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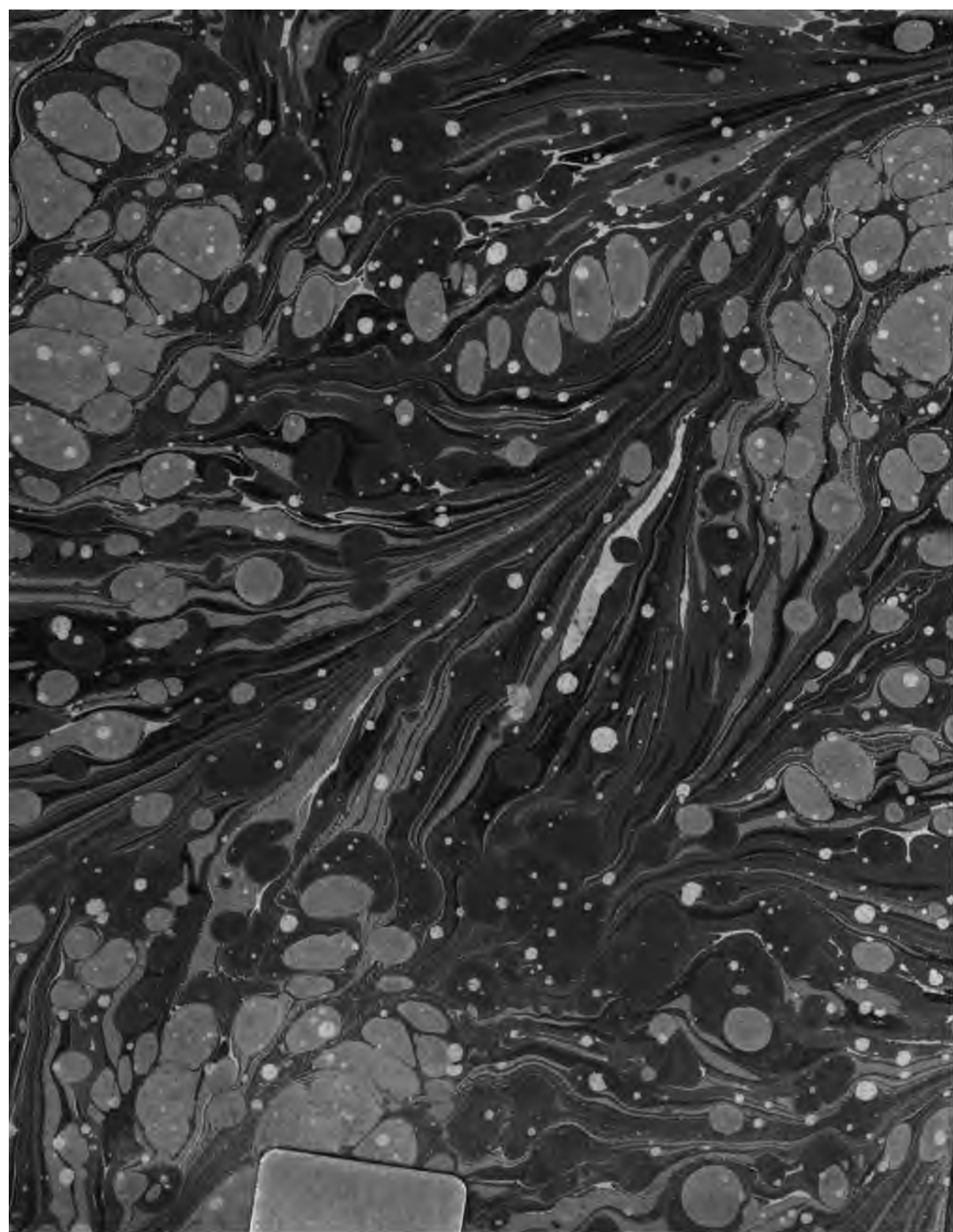
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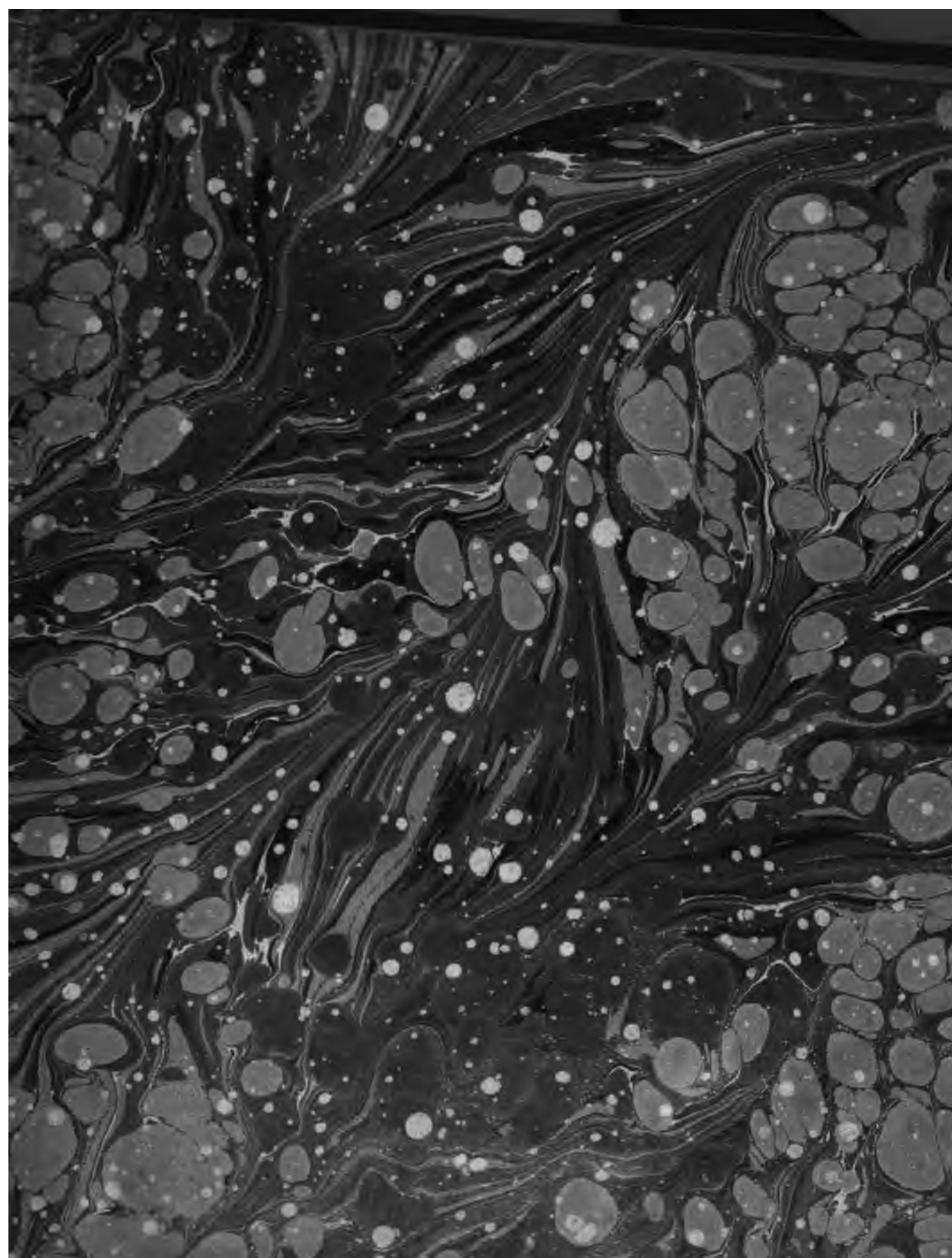
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AN
ABSTRACT
OF THE
EVIDENCE,
&c. &c.

AN
ABSTRACT OF THE EVIDENCE

ADDUCED TO PROVE

THAT SIR WILLIAM STEWART, OF JEDWORTH, THE
PATERNAL ANCESTOR OF THE PRESENT
EARL OF GALLOWAY,
WAS THE SECOND SON OF SIR ALEXANDER STEWART,
OF DARNLEY;

AND THE BROTHER OF SIR JOHN STEWART, WHO MARRIED ONE
OF THE COHEIRESSES OF THE HOUSE OF LENNOX,
ABOUT THE YEAR 1385, AND WHO FELL
AT THE SIEGE OF ORLEANS,
A. D. 1429.

“ I know that many readers despise such minute enquiries, neither
“ indeed do I much esteem them ; they are however useful in some degree,
“ unless it be held that true and fabulous Genealogies are of equal value,
“ and that it matters not, whether the History of noble Families be au-
“ thentic or false.”

LORD HAILES' *Annals of Scotland*, Vol. iii. p. 47. 8vo. edit.

L O R D S :

Printed by W. WILSON,
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Near the Herald's College.

MDCCCI.

218. d. 1.

ERRATA.

Page 15, l. 10, for *Profapias*, read *Profapia*.
 22, l. 7, for 1318, read 1418.
 34, l. 2, from the bottom, for *be*, read *the*.
 40, l. 15, for *Senescallas*, read *Senescallus*.
 43, l. 5, from the bottom, for *cripuit*, read *eripuit*.
 65, l. 13, for *Militen*, read *Militem*.
 166, l. 9, for 1388, read 1378.
 170, l. 21, for *singe*, read *singe*.
 Appendix, No. I. p. 1, l. 4, for 1395, read 1795.

It has been remarked with regard to the argument in p. 76, that some authors affirm, that Dame Marion Stewart bore no children to her second husband, Sir John Forrester; but this cannot affect the statement there contended for, as there are many other proofs of her youth in the year 1396; such as her living till the year 1449, &c. — Some errors, no doubt, may have escaped in the course of the work, but every possible care has been taken that they should not be either material or numerous.



INTRODUCTION.

AT a time when so many branches of the ancient families of Scotland were induced to institute enquiries relative to the history of their ancestors, it was suggested as an interesting object of investigation to the family of Stewart, to enquire who should be considered as their principal representative, after the extinction of the Lennox line. It had always been stated by the most respectable historians, and the most accurate genealogists, that the Garlies branch of the Stewarts, in regular order of succession, occupied the next place on the Genealogical tree, after the Stewarts of Darnley; and this statement seemed sufficiently countenanced by the testimony of several ancient records and authentic documents preserved in the public archives, and in private repositories. But as the evidence on which this genealogical representation was founded, was but imperfectly known, and had never been published, its obscurity proved an encouragement to other branches of that family to claim the seniority. These vague pretensions, however, though ably stated, had not sufficient weight, or force of evidence enough, to cause any alteration in the opinion of any person versed in the history of the country. Many expressed their surprize at the baseless fabrics so hastily raised, and composed of such slight materials, which now forced themselves on the attention of the antiquary. The late learned and ingenious Mr. Comyn, Secretary to the Antiquarian Society, in Edinburgh, in a well written letter on that subject, censured the supineness and inattention of the present representative of the Garlies family, in permitting the cadets of his house to describe themselves as his chieftains, without making any enquiry into the justice of of their pretensions, or the solidity of their evidence; and as they had set the example, he recommended the publication of a comprehensive

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statement

statement of the claims of the family. Posterity, it was observed, might condemn the neglect, or the indifference that should suffer such monuments of private history to be obliterated, and such proofs of affinity to distinguished families to perish, as might, after the revolution of a few years, be investigated in vain. It was represented as a species of duty incumbent upon every successive proprietor of an ancient family estate, to deliver, undiminished and unobscured to his descendants, the territories purchased, and the rights and titular honours acquired, by an enterprising and a valourous ancestry. However invaluable any single possessor of an hereditary estate, it was remarked, might consider extensive territories or titular honours, in another age, or in other countries, they might be deemed of greater value, and holden in higher estimation, as copious sources of liberality, and excitements to noble and generous actions.

A family anciently in Scotland, it was stated, had resolutely resisted an attempt to deprive them of the property of Crawford Moor, they were censured for the pertinacity they discovered with respect to so barren an object of contention, but they persevered in the assertion of their right, and proved successful, and Crawford Moor was found to contain a golden mine.

When the author of the *Journey to the Western Isles*, incautiously described, as chieftain, a person who was not justly entitled to that distinction, the hereditary representative of the family conceived himself injured by the misrepresentation, and requested it might be corrected, the learned traveller could not but admit the justice of the application, and the importance, in that country, of the distinction, and readily acknowledged and corrected his error.

Instances

^a See Boswell's *Life of Johnson*, Vol. 1st. p. 451, 4to edit. and *Journal of a Tour to the Hebrides*, by the same author, 3d edit. p. 520.

Instances might be given, where proofs of illustrious connections have been attended with public benefit, as well as private advantage. The descendants of noble families, while employed in a diplomatic capacity, have, at foreign courts, been treated with superior respect, and have had greater opportunities of serving their country, in consequence of an honourable alliance, or a splendid descent.

The Stewarts of Garlies were at length induced, by the representations, and the importunity, of their friends, to institute an enquiry into the origin and antiquity of their family, and the affinity which it bore to other branches of the Stewart race, not from views of ambition, but from a regard to justice, not from a love of precedence, but in their own defence, and in answer to several genealogical statements that were already circulated.

The work was undertaken by the justly celebrated Mr. Andrew Stuart, and it was carried on with his usual ardour, and with every expected prospect of success; but an accidental interview with a lady allied to a different branch of the same family, occasioned an apparent revolution in his genealogical opinions. He now undertook to prove, that the seniority appertained to the Stewarts of Castlemilk, who were descended from the *second* son, and not to the Stewarts of Garlies, who were avowedly the lineal descendants of the *eldest* son of Sir William Stewart, of Jedworth; an enterprize which, from the difficulty attending it, afforded a fair opportunity of shewing his ingenuity, and displaying his talents, while it could not properly be considered as a dereliction of his former principles; as by the support which he offered to his new patrons, he could not materially prejudice the interest of the nobleman whose cause he had originally engaged to defend.

For

^b Vide the Preface to Mr. Stuart's Genealogical History of the Stewarts, p. 7 and 8.

^c Vide Duncan Stewart's History of the Stewart's, p. 197; Nisbett's System of Heraldry, p. 49, 50, &c.

For in the new capacity in which he now chose to act, there was no probability that his practice would be attended with much success. The patient's case seemed to admit but of little hopes, but it was humanity on such an occasion to administer every consolation, and to try every resource in his power. The first fruits of his labours in the new field he had chosen for the exertion of his talents, were, 1st, a genealogical tree or two, lopped of every redundant branch, and pruned on a plan peculiarly his own.

1788.

1789.

2dly. "A memorial, referring to the proofs and authorities in support of the pedigree of the Stuarts of Castlemilk, &c.

1790.

3dly. "Continuation, or part the second of the memorial, &c. in support of that part of the pedigree, which states that the first Sir William Stuart, of Castlemilk, was the brother of Sir John Stuart, of Darnley, &c."

These papers were not published, but they were the result of infinite labour, of a journey to the palaces of La Verrerie and Aubigny, of researches at Paris, and of a visit to the Vatican.

It now became indispensibly necessary on the part of the Earl of Galloway, to reply to such parts of these papers as seemed to contain a violation of what had been considered for several centuries as the indubitable rights of his family.

The person on whom this arduous task devolved, had been in some measure disciplined to it, by the laborious employment of making researches in the public records, examining the family writings, and collecting materials for the work in which Mr. A. Stuart had been originally engaged. He was aware of the importance of the contest, and of the talents opposed to him, but he conceived some hopes, from a persuasion

suasion that his adversary was not in ^d earnest, from the effects naturally expected from industry and perseverance, and from the justice of his cause.

The alterations which it was thought had been unwarrantably made in the genealogical tree, were pointed out in a long letter on that subject, and the papers relative to the pretensions of the Stuarts of Castlemilk, were candidly examined, and dispassionately answered, which, as they were extremely voluminous, was a work that occupied no inconsiderable time. Many of the papers drawn up on the part of the Earl of Galloway, are enumerated, and the force of some of them is admitted by Mr. A. Stuart, in the Supplement to his Genealogical History of the Stuarts, p. 6. They were presented to him, not so much with the view of having the favour of his opinion upon them, as with the hopes, from the natural candor of his disposition, of convincing him of the error of the statements into which his attachment to the Castlemilk family had inadvertently betrayed him; and from a desire, by a liberal interchange of evidence, of discussing in private, a family question, which it was thought was not so well calculated for public examination. But the author of the Genealogical History of the Stuarts

1794.

was not to be deterred from his purpose; and, in the year 1794, he drew up, printed, and circulated at Edinburgh, a paper, called the State of the Evidence, &c. respecting the claims of the Stuarts of Castlemilk. And timely information was given, that the representa-

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tive

^d As a proof that he could not be in earnest, one of the Authorities cited in the Memorial was Harl. MSS. No. 1423, in which "*Messire Guillaume Stuart Seigneur de Castell*" was described as the brother of Sir John Stewart, of Darnley. The *hiatus*, in the manuscript, was to be filled up with the word *Castlemilk*, which was represented as precluding every claim on the part of the Garlies family. But on consulting the manuscript, no *hiatus* was discovered, and the word was found to be *de Castle Stewart*, an ancient *Chateau* on the estate of the Galloway family. In this, however, Mr. Stuart might have been deceived by the person who examined the MS. for him, and who believed what he wished, rather than what he saw, to be true.

^e Vide the Genealogical History of the Stuarts, p. 384.

1794. tive of the Castlemilk family had it in contemplation to serve himself heir to one of the Stewart family, whom he considered as his ancestor. It was answered, with respect to the intended service, that as it would trench upon the avowed rights of another branch of the family, it should certainly be legally opposed. And with regard to the printed paper called "the State of the Evidence," &c. the errors in it were demonstrated, on the part of the Earl of Galloway, in a manuscript memorial, entitled "Notes on the State of the Evidence," &c.

The plan formed, relative to the intended *service* was never carried into execution. But towards the close of the year 1794, a production called "observations on the papers drawn up on the part of the Earl of Galloway," made its appearance; it was designed as a vindication of the state of the evidence, and as a criticism on all that had been advanced on the other side of the question. It appeared to contain more sarcasm than argument, and less evidence than ingenuity. But whatever are its merits, it is now published in the Supplement to the Genealogical History of the Stewarts, and it was answered about the commencement of the year 1795, in a few sheets, called "a Revival of the observations made on the papers drawn up on the part of the Earl of Galloway." The Revival was presented to Mr. A. Stuart, but no reply to it ever appeared. And however favourably some persons thought of it at that period, it was never intended to rescue it from oblivion, had not the publication of the papers to which it was an answer, rendered its appearance absolutely necessary, it is now submitted to the superior discernment of the reader, and is marked No. I. in the Appendix.

It was not originally intended, that any of these papers should be made public. It was the desire of the family on whose part they were drawn up, that the question should be discussed by private conference, where the written observations on either side might preclude the necessity of verbal argument, and contribute to the arrangement of the whole subject in debate, in a candid and an amicable manner. And however extraordinary

extraordinary it might appear that it should be subjected to an arbitration, whether a person should continue to enjoy a property which had hereditarily descended to him, or whether it should be calmly resigned to a claimant, whose pretensions to it had never before been heard of, no objection was made to that mode of deciding the controversy, till on the proposition of submitting the whole to the decision of ^f one person, and that person the acknowledged friend of the claimant, it was suggested to the branch of the Stewarts interested in the question, that however honourably such an arbitrator might act, things might appear to him through the medium of friendship, and that celebrated as he might be for his integrity and impartiality it might be more prudent on such an occasion, not to trust such a question to a single person's decision.

No fairer arbitration having been proposed, the project of the threatened service being again revived, and the printed state of the evidence being still industriously circulated, it was thought unavoidably necessary, that a counter-state of the evidence should be published, which should have for its object a fair and impartial exhibition of the proofs and authorities adduced on the other side of the question; a paper therefore was printed at Edinburgh, about the beginning of the year 1796, called "a View of the Evidence, adduced for proving that the present Earl of Galloway is the lineal heir-male of Sir William Stewart of Jed-

1796.

"worth." It was drawn up in conformity to a plan that had been proposed by Mr. A. Stuart, that each party should adduce legal evidence of their descent from an ancestor, contemporary with Sir John Stewart, of Darnley, and that the question, whose ancestor bore the closest affinity to the Darnley family, should be reserved for future discussion. The "View of the Evidence," confined itself to the proofs of the descent from Sir William Stewart, no extraneous matter was ad-

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mitted,

^f Vide the Supplement to the Genealogical History p. 94.

mitted, no hostile observations were made, and nothing was said but what seemed absolutely necessary for the illustration of the subject.

1797. Whatever were the effects of "the View of the Evidence," the author esteemed himself happy in still enjoying the friendship of Mr. A. Stuart, and had an opportunity of communicating to him several papers on the subject collected at Edinburgh, at Durham, and in the British Museum, and Mr. Stuart in return, candidly submitted in the year 1797, the Genealogical History of the Stewarts to the perusal of the writer of these sheets. Nothing hostile occurred in the manuscript as it then appeared, but when published in the year 1798, the history seemed enlivened by several interpolated sarcastic observations, as unmerited, as misapplied. The author continuing his former habits of friendship, these were considered as embellishments attempted by another pen, or as slight sacrifices to the genius of his patrons of the Castlemilk family, while the principal purport of the book appeared to be to adduce evidence favourable to the statement contended for in the following sheets. As a history of the Stewart family, it had confessedly much literary merit, and contained much useful information; and as a criticism on the papers written on the opposite side of the question, it was so ingeniously contrived, that the strictures that occurred in one page, were obviated by the observations introduced in another. Like rubbish thrown in the way, it had at first sight an unfavourable appearance, but when duly managed, it proved to be materials calculated to improve the road, and facilitate the traveller's progress.

1799. It appeared to be the wish of many persons, whose opinions were deservedly highly respected, that a reply should immediately be made to the objectionable parts in the genealogical history; but they seemed to be already answered, not only by the replies given in one part of the book to the observations made in another, but by the appearance in the month of February, 1799, of a very interesting

z See the following sheets, p. 144, &c.

INTRODUCTION.

xiii

ing anonymous publication, called "the Genealogy of the Stewarts" "Refuted." It was in the form of a letter, addressed to Mr. A. Stuart. The whole seemed to have been planned with considerable judgment, and executed with uncommon felicity. This lively performance afforded an extraordinary instance of the natural effect of truth, no intimacy had subsisted, no communication had occurred between the author and the writer of these sheets, and yet the coincidence of opinion was remarkable on every material part of the question in debate.

This publication was followed towards the end of the year 1799, by the Supplement to the Genealogical History of the Stewarts, which contained a repetition of most of the arguments advanced in the genealogical history, together with several occasional severe remarks on some passages in the anonymous publication, to which the vivacious author had inadvertently laid himself open by his incautious concessions, and hasty observations. The author of the Genealogical History seemed here, like a brave veteran, to have collected all his expiring strength, and to make some of his passes with all the force and spirit of youth.

The Supplement to the Genealogical History of the Stewarts, however, though betraying many marks of the author's acknowledged ingenuity, was, upon the whole, a hasty, rather than a judicious performance. It proceeded on an erroneous opinion, that some of the papers drawn up in the course of a friendly controversy, had been communicated to the author of the anonymous publication. To have given an instantaneous answer to all that was contained in the Supplement, would have been a work attended with no very considerable difficulty. The sheets that had already been written on the subject, and that had, at different times, been presented to Mr. A. Stuart, would have proved a sufficient reply to the principal part of it, and with respect to the other, the author either answered himself, or demonstrated he was not in earnest, for the occasional harsh expressions that occur in the course of
the

the work, must have been meant as feints to cover a friendly design, and could not be seriously intended, "Whatever grief a man hath," saith Lord Coke, "ill words work no good, and learned counsel never use them."

1800. Too much esteem was entertained for Mr. Stuart's person, and too much respect for his talents, to permit the author of these sheets ever to make such a reply, as could be considered as uncandid or unfriendly to any of his works. And he felt too much attachment to every branch of the Stewart family to treat any arguments used in their favour, with disrespect or inattention. Drawn reluctantly into the controversy, he wished the dispute, if an enquiry of the kind can be so called, could have been amicably settled. And when in defence of truth and justice, he felt it his duty to reply, it was done with candour and with temper, without prejudice and without partiality. He was called upon to adduce evidence of the Galloway family's descent, and he has done it. The "View of the Evidence" proved the descent from Sir William Stewart, of Jedworth; and the present "abstract of the Evidence," demonstrates Sir William Stewart to have been the son of Sir Alexander Stewart, of Darnley, and the brother of Sir John Stewart, who fell before Orleans, in the year 1429.

It is now candidly submitted to the judgment of those who will be at the trouble and pains patiently to examine the evidence contained in the following sheets, the ancestor of which branch of the Stewarts bore the closest affinity to the family of Darnley and Lennox? The outlines of the following abstract were in the year 1790, laid before that celebrated historian and antiquary, Lord Hailes, the approbation with which he was pleased to receive them, proved an incitement to improve them, and should any merit be discovered in them, the author requests it may be attributed, to the hints which he received, and the information with which he was favoured from so great a master, in genealogical and historical learning.

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Mary, Daughter
of George Duke
of Buckingham,
died 1655.

Esme, 5th Duke
of Lennox, and
only Son of James
died at Paris 1661

Alex. 4th Earl of Gallo-
way, died at Edinburgh,
1693, unmarried.

James, 5th Earl of Gallo-
way, succeeded his Bro-
ther, 1693.

Brigadier Genl
Stewart of So

Alexander, Lt. Garlies,
who became Earl of
Galloway, 1745.

Maj. Gen. James Stew-
Col. of the 37th regi-
ment of foot.

William, an of
the army

Alexander, Mas-
ter of Garlies, di-
ed at Aix la Cha-
pelle, unmarried.

James Stewart,
who died at Dal-
keith School.

Mary, married to
Lord Fortrose.

John, Earl of Gal-
loway, succeeded
his Father Alex-
ander, 1773.

George, a Cap-
in the Army, k-
led at Ticond-
rago, 1758.

Alexander,
Master of Gar-
lies, who died
young.

George, Lord
Viscount Gar-
lies.

Hon. Leveson
Stewart, who
died in his 9th
year.

Hon. Co-
lonel William
Stewart.

Hon. and Rev.
Charles - James
Stewart.

Hon. Montgo-
mery Granville
John Stewart.

AN
ABSTRACT
OF THE
EVIDENCE

ADDUCED TO PROVE

That Sir WILLIAM STEWART, of JEDWORTH, Paternal Ancestor of the present EARL of GALLOWAY, was the second Son of Sir ALEXANDER STEWART, of DARNLEY, and the Brother of Sir JOHN STEWART, who married one of the Coheiresses of the House of LENNOX,^a about the year 1385, and who fell at the Siege of ORLEANS, A. D. 1429.

N^o I. AN original decret of the Baron Court of Cambusnethan, holden October 13th, 1390. *Coram Domino Alexandro Seneschallo, Domino dictæ Baronie*, at the instance of Sir Alexander Stewart, against John Frankesland. From this
A decret,

Mr. Hamilton of Withaw's Papers.

^a The date of this marriage is, by some authors, fixed about the year 1392.

decreet, it appears that the witnesses present, with Sir Alexander on that occasion, were

Nobiles et potentes viri,
Dominus Willielmus de Somervelle, Dominus de Carn-
royth
Johannes de Hamylton Dominus de Rofs
Willielmus Seneschalli
Alexander Senescall, Dominus de Gallistoun,
Robertus Seneschall, &c,

That Alexander Stewart, Lord of the Barony of Cambusnethan, was Sir Alexander Stewart, of Darnley, evidently appears from a grant to him of that Barony, by King David Bruce. Vide Harl. MSS. No. 4609, &c. That Alexander Stewart, one of the witnesses to this decret, was a son of the proprietor of the Darnley estate, is a fact established by the circumstance of his being designed of GALLISTON, an estate known, from authentic records, to have been in the possession of Sir Alexander Stewart, of Darnley, and from a charter by Sir John Stewart of Darnley, dated 1406, wherein he acknowledged Sir Alexander Stewart to be his brother. And that Robert Stewart, one of the other witnesses, was the son of Sir Alexander Stewart, of Darnley, is evident from a charter, in the chartulary of Paisley, granted by Blair, of Adamtown, to the Monks of Paisley, dated 1397, and attested by *Roberto, Senescallo, filio Domini Alexandri Senescalli, Militis, Domini de Darnley*. And it must be admitted that it is at least presumable, from these circumstances, and from the evidence and authorities adduced in the subsequent pages, that *Willielmus Senescalli*, mentioned among the witnesses to this decret, was another of Sir Alexander Stewart's sons, and from

from the order in which he is named (Sir John Stewart the eldest son being then absent,) that he was the second son: and that *Willielmus Senescalli, Miles*, who attests this decret, is the same person, who, on other occasions, has been designed, *Willielmus Senescalli, de Jedworth, Miles*, is a fact supported by the following proofs. Sir William Stewart, of Jedworth, was concerned in several public transactions on the borders of Scotland, about the years 1385, 1390, 1392, 1397, &c. Vide Rymer's *Fœdera Angliæ*, Vol. VII. and VIII. On some occasions, in the earlier part of his life, he had been designed, Sir William Stewart of Jedworth; but when he came, from the many negociations and political arrangements in which he was engaged, to be more generally known, he is styled, in most of the state papers of a latter date, preserved by Rymer, Sir William Stewart, or *Willielmus Senescalli Miles*, without any additional designation. He, in a diplomatic capacity, signs several of the treaties between the two kingdoms, *Willielmus Senescalli, Miles*. Vide Rymer's *Fœdera Angliæ*, Vol. VIII. p. 17, 18, 35, 54, 57, 58, &c. The identity of a person, who lived at a remote period, is best ascertained by the manner in which he is generally described, in the charters and authenticated deeds of the times. Sir William Stewart, of Jedworth, in the deeds and indentures published by Rymer, in a charter of Robert de Cochrane, to Sir Henry Douglas of the Lands of Longnewton, dated Edinburgh, 1392, and preserved in Macfarlane's collection, p. 40, and in many other deeds, dated about that period, being styled *Willielmus Senescalli, Miles*, *Sir William Stewart*, or *Sir William Steward, Knight*, without any additional designation, and no other instance occurring of any other person's being described in that manner,

Advocates
Library.

manner, in any authenticated charters, dated about that period, it follows as a fair and natural conclusion, that the *Willielmus Senescalli Miles*, mentioned in the decret of the Baron Court of Cambusnethan, A. D. 1390, could have been no other than Sir William Stewart, of Jedworth; and for the reasons already assigned, and those adduced in the following pages, he must have been the second son of Sir Alexander Stewart, of Darnley, and the brother of Sir John Stewart, who married one of the coheiresses of the house of Lennox.

Rymer, Vol.
7. p. 485.

No. II. An account preserved in Rymer's *Fœdera*, of the disbursement of the money remitted by the king of France to subsidize the principal Scottish chieftains, 1385, in which an hundred *livres tournois* are stated to have been paid William Stewart, "*A Guille Steward, C. L. T.*"

Gen. History
of the Stew-
arts, by A.
Stewart, Esq.

No. III. An account preserved in the *Chambre des Comtes*, at Paris, dated Nov. 1, 1422, of the different payments made to the Scots, and the other allies of the French Monarch, in the course of which account the following entry is made.

"A Messire Guillaume Stuart, Esquier, dy Pays d'Escoffe, frere de Monsieur le Connestable, (Jean Stuart de Dernley) deux Cent Livres Tournois, cy 200 Tour."

If these two pieces of evidence be accurately and impartially examined, it will hardly appear a matter of doubt, that the *Guillaume Stuart*, mentioned on the latter, is the same with the *Guille Steward*, whose name occurs on the former occasion. But the latter appears from the evidence to have been the brother of Sir John Stewart, of Darnley. Therefore Sir William Stewart, of Jedworth, (who is on all hands acknowledged

acknowledged to have been the person who received the gratuity from France in the year 1385), must have been Sir John Stewart of Darnley's brother.

It is admitted that there is one trifling error in the account preserved in the *Chambre des Comptes* at Paris; for there Sir William is styled *Guillaume Stuart, Escuyer*; whereas it is evident he was a Knight Baronet previous to that period: but this inaccurate entry might have arisen from the carelessness of the writer who made it, from his ignorance of Sir William's real rank, or from the station, which, for many reasons, the latter might have chosen to fill when engaged in the service of France.

No. IV. A List of Portraits on the walls of the ancient palace of la Verrerie, belonging to the Steuarts of Aubigne, in France, with correct copies of the inscriptions under the portraits.—Sir John Stuart, of Darnley, Constable of Scotland, killed at the battle of Harans, 1429. Sir William Stuart de Castel Stuart, brother to the Constable, killed at the battle of Vernueil. Sir Alexander Stuart, brother to the Constable, killed at the battle of Harans—Harl. MSS. No. 1423. These inscriptions, drawn up under the directions of the Stuarts of Aubigne, must be of considerable authority, as no doubt can be entertained of their authenticity, nor of their veracity, as far as the information possessed by the proprietors of Aubigne can be relied on. But as the palace of la Verrerie was repaired a considerable period after the siege of Orleans, it is probable that many particulars relative to Sir John Stuart and his brother were forgotten, or but faintly preserved by tradition, when the facts respecting them were inscribed on the walls

British Museum.
Harl. MSS.
No. 1423.

walls of that edifice. The account there given of Sir William Stewart, as the brother of Sir John Stewart of Darnley, and as designed of *Castel Stuart*, is consistent with other authentic documents. The circumstance of Sir William's having fallen in battle in France, some time before the year 1430, is likewise justly recorded ; but with respect to the place and the precise time of his death, there is a trifling error. He was not killed at the battle of Vernueil, 1424, but at the siege of Orleans, in 1429. As errors, however, originate in some misapprehension, or incorrect information, this misrepresentation may be traced to its source. A person of the name of William Hamilton, or William de Hamilton, was killed at the battle of Crevant, 1423. He was nearly connected with Sir John Stewart of Darnley : for his mother (Janet Keith) had been married to Sir John Stewart's father, and thus, though in fact no relation subsisted between them, they are, by the historians of the times, sometimes erroneously represented as brothers ; and when it was mentioned that Sir John Stewart's brother was killed at Vernueil or at Crevant, (for both battles were fought soon after each other), it was believed in Scotland^b at the time from report, and in after ages in France, from the assertions of the French historians, that Sir William Stewart, Sir John Stewart of Darnley's brother, had fallen at Vernueil. That this erroneous opinion prevailed at the time in Scotland, is evident, from a deed in the charter chest of Lord Minto, at his seat at Minto, in Scotland : and that it was *erroneous*, appears from the clear and circumstantial evidence given of the

^b Hume, in his History of England, mentions a Sir William Hamilton, as having been killed at the battle of Crevant, and that the Constable of Scotland had been taken prisoner on that occasion.

the fall of Sir John Stewart, and his brother Sir William, at the battle of Harans, in the year 1429.

The deed at Minto is a notorial instrument, dated 1424, specifying, that an enquiry had been instituted at the instance of Walter Turnbull of Minto, relative to John Turnbull, his father, who had made a grant of the lands of Minto to Sir William Stewart of Jedworth, in the year 1390. The object of the enquiry was to invalidate the grant, as it is declared by the Jury nominated for the occasion, that John Turnbull at the time laboured under the effect of a leprosy, which, according to the then existing laws of Scotland, rendered the transaction null and void. But as no further proceedings were then resorted to, and as no person on the part of Sir William's heirs appeared at that time to claim the estate, it clearly shews that the enquiry instituted at Minto in the year 1424, was occasioned by the report then prevalent of the death of Sir John Stewart's brother, at Vernueil, and the application of that rumour to Sir William Stewart, at that period in France. But when the erroneous source of those rumours was discovered, the proceedings were instantly quashed. This is further evinced by the transactions which actually occurred at Minto some years afterwards, when authentic accounts arrived in Scotland, of the death of Sir William Stewart at the siege of Orleans.

Lord Minto's
charter chest.

That accounts, whether true or false, arrived from time to time in Scotland, of the principal events that occurred on the theatre of war in France, seems evident from several circumstances, and that different families were informed of the success or the fall of their relatives, appears to be proved by this very transaction, for Walter Turnbull, of Minto, could hardly
have

have engaged in these proceedings during the life-time of his father. And this inquest, relative to the validity of the original grant of the lands of Minto, to Sir William Stewart, instituted in 1424, or 1425, appears to have been in consequence of the arrival of an account in Scotland, of the fall of Sir John Turnbull, surnamed, *Out with the Sword*, at the battle of Cravant, in the year 1423. This Sir John Turnbull was in all probability, the father of Walter Turnbull, of Minto, and the very person, who, by a charter, dated January 4th, 1390, had conferred a grant of the lands of Minto, upon Sir William Stewart, of Jedworth. Among the Harl. MSS. in the British Museum, No. 1423, there is a list of the names of the Scottish chieftains, who fell at the battle of Cravant, and among several others occurs the name of Sir John Turnbull.

In the inscription on the walls of the palace of La Verrerie, according to the authentic copies of them, preserved in the manuscript in the British Museum, Sir William Stewart, the brother of Sir John Stewart, of Darnley, is designed *de Castel Stuart*. The estate of CASTLE STEWART appears from several charters in the possession of the Earl of Galloway, to have appertained for many centuries to the family of the STEWARTS of Garlies and Dalswinton. The lineal descent of the Stewarts of Garlies, from the celebrated Sir William Stewart, of Jedworth, has been already incontrovertibly proved in the View of the Evidence of that well established fact drawn up for the Earl of Galloway, which affords another remarkable corroboration of the evidence adduced to prove that Sir William Stewart of Jedworth, was the brother of Sir John Stewart of Darnley, as DE CASTLE STEWART, in all probability, was
one

one of the many titles, which, from his numerous estates, that great man occasionally assumed.

No. V. A journal of the siege of Orleans, which commenced October 12th, 1428, copied verbatim from an old manuscript, found in the town-house of the city of Orleans, printed in that city, in the year 1576. In that well authenticated History of the Siege, the following account is given of Sir William Stewart. "Le lendemani de Mardy (8 Fevrier) " entrerent dedans la ville d'Orleans plusieurs tres Vaillant " hommes de Guerre et bien habillez, et entre les autres " Messire GUILLAUME ESTUART, frere du Constable d'Es- " cosse, le Seigneur de Sancourt, &c." The person here meant, by the Constable of Scotland, was evidently Sir John Stewart, of Darnley, as appears from this and several other accounts of the Siege of Orleans, and of the different events that occurred about that period in France.

It is evident from other passages in this journal of the events of the Siege of Orleans, and from all historians, who record the transactions that happened about that Æra in France, that the *Connestable d'Escoffe*, mentioned in this passage, was, Sir John Stewart, of Darnley. In Thaumassiere's History of the Province of Berry, published in the year 1690, the following account is given of him and his brother, "*En ce temps* " *Jean Stuart, Connestable d'Escoffe, amena, au secours de ce* " *roy, des bandes de gens de pieds, &c.*—*Guillaume Stuart, son* " *frere, mourut au meme lit d'honneur,*" &c. And there are several circumstances that clearly indicate *Guillaume Stuart*, here represented as the brother of Sir John Stewart, of Darn-

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ley,

ley, to have been Sir William Stewart of Jedworth. One of the principal leaders of the Scots forces, in the service of France, about the year 1424, was Archibald, Earl of Douglas. There are several acts of the Earl of Douglas, during his residence in Scotland, which prove the closest intimacy to have subsisted between him, his family, and Sir William Stewart, of Jedworth. Sir William had a grant from the Earl of Douglas, of the castle and lands of Abercorn, which is mentioned in the View of the Evidence, printed at Edinburgh, p. 16. That grant was dated October 28, 1398. At a convention holden on the borders, between the English and Scots Commissioners, a complaint was preferred against the Earl's son, Douglas, and several other persons, one of whom was Sir William Stewart of Jedworth, that they had broken down the bridge of Roxburgh, and attacked and burnt the town before the expiration of a truce, which had been agreed upon, and duly ratified between the two kingdoms. Rymer's *Fœdera*, Vol. VIII. p. 57, &c. As the son of the Earl of Douglas, mentioned on this occasion, was the same person, who afterwards served in France, and commanded the Scots forces for some time in that country: Sir William Stewart, who appears to have been so closely connected with him, and who attended him on the Roxburgh expedition, is the most likely to have been the Sir William Stewart, who bore a conspicuous share at the same period with him, in the military transactions recorded to have taken place in France, a few years previous to the commencement of the reign of Charles VII. The martial character, which Sir William Stewart of Jedworth, bore, in Scotland, about the year 1398, corresponds with the warlike actions attributed by the

the French historians to the Sir William Stewart, who so nobly distinguished himself at the siege of Orleans, and it would appear extremely improbable, (were there no proofs to the contrary) that another Sir William Stewart should have existed for about sixty years in obscurity; that in so great a family as that of Darnley, he should have had no opportunity, during so many years, of displaying his warlike talents; and that he should have never been heard of till about the close of his life, when, suddenly, the lustre of his martial genius burst forth with meridian splendor, and when, at once, he proved an able soldier and an excellent commander. The account given by the French writers of the age and character of Sir William, the brother of Sir John Stewart, of Darnley, is perfectly consistent with every authentic document preserved relative to the age and character of Sir William Stewart, of Jedworth. But the account given by the writers of that period, of the person of that name, who distinguished himself in France, about the year 1430, will appear extremely doubtful, and highly improbable, if the person alluded to by them be supposed to have been another Sir William Stewart, different from Sir William Stewart of Jedworth, a personage never before heard or read of, the sun of whose military glory only arose to set at the siege of Orleans. Would it not be deemed an extravagant hypothesis to contend, on account of some historical difficulties, that Julius Cæsar, who acted so extraordinary a part in Ægypt, was not the gallant commander celebrated some years before for his martial achievements in France, but another warrior of the same name, and bearing the same character, and yet of a very different origin, and allied to very different families.

Harl. MSS.
British Mu-
seum, No.
4609.

No. VI. An inventory of Scots charters, preserved in the British Museum. Harl. MSS. No. 4609, where one of the articles mentioned is "a confirmation of a charter to Alan Stewart, father to John Stewart of Darnley, of the lands of Crofwell, Drothardreg, and part of Glengary, called commonly, Knockhill, in the Rennes of Galloway," confirmed during the reign of king David Bruce. No precise date is mentioned, but the original charter must have been granted some time previous to the year 1333, or at furthest in that year. For it was in the year 1333, that Sir Alan Stewart, of Darnley, lost his life in the service of his country, at the memorable battle of Halidown-hill.

Among the
unprinted
Scots acts of
Parliament.

No. VII. Act of Parliament of King Charles I. passed in Edinburgh, June the 20th, 1633, "ratifying and approving the charter made and granted by his Majesty's dearest father of eternal memory, in favour of his Highness's right trusty cousin and counsellor, Alexander, Earl of Galloway, Lord Stewart, of Garlies, of the 17th day of July, 1623, of all and fundry, the lands and barony of Corfwell, with castle, towers, &c. lying within the parish of Kirkcum, &c. with liberty of freeburgh of barony, called the freeburgh of Stewartown, &c."

As it is apparent from a comparison of these two respectable and authentic pieces of evidence, that the lands and barony of Corfwell, or Crofwell, came into the possession of the Stewarts of Garlies, and Dalswinton, some time between the years 1333, and 1623. And as the genealogical history of the Stewarts, of Darnley, is well known and well authenticated, it evidently follows, that these lands must have hereditarily devolved to the Dal-
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swinton family, in consequence of their descent from Sir William Stewart, of Jedworth, who could not have become possessed of these lands in any other manner that can be satisfactorily accounted for, except he acquired them by inheritance from Sir Alexander, or Sir John Stewart, of Darnley, which circumstance, as far as the possession of lands can be considered as a proof of family connection, or genealogical descent, is a direct and manifest corroboration of the evidence adduced to prove, that Sir William Stewart of Jedworth, was the son of Sir Alexander Stewart of Darnley, and the brother of Sir John Stewart, who fell at the siege of Orleans. For what more plausible reason can be assigned for the grant of these lands to Sir William Stewart, or of his acquisition of them from the family of Darnley, than his having been a younger brother of that family? And through what more probable channel could the family of Garlies and Dalswinton have acquired these lands, than through the medium of Sir William Stewart, of Jedworth? He forms the only link of the genealogical chain that could have connected together the families of Darnley and Dalswinton, since the year 1333. He forms the only point of contact, (as will appear evident from inspecting the genealogical trees of the two families,) that could have established, or can account for, an alliance between the two Houses of Darnley and Garlies. If he be admitted to have been a younger brother of Sir John Stewart, or the second son of Sir Alexander Stewart, of Darnley, the acquisition of the lands of Croswell by the Stewarts of Garlies, is regularly and satisfactorily accounted for; through what other means it remains to be proved, could territorial possessions, which evidently appear to have appertained to the House of Darnley, have descended to the Dalswinton branch
of

of the Stewarts? By what other mode can satisfactory reasons be assigned why the barony of Croswell should have been the property of the Stewarts, of Darnley, at one period, and of the Stewarts, of Garlies, at another? The genealogical history of the Darnley family has been so minutely, and so accurately investigated, that no other source can be assigned from whence the Stewarts, of Garlies, could have derived these extensive estates, unless they were conveyed to them through Sir William Stewart, of Jedworth, from the ancient founders of the celebrated Houses of Darnley and Lennox.

The particular charter by which the lands of Croswell were granted to Sir William Stewart, of Jedworth, may not be extant, but a charter is still preserved in the public archives, by which the lands of Househill, in the county of Renfrew, were granted by Sir John Stewart, of Darnley, to his cousins (*consanguineis suis*) Thomas Stewart, of Minto, and Isabella Stewart, his spouse. This charter is dated August 16th, 1477, within a little more than forty years of the period, marked by the death of Sir William Stewart, the brother of Sir John Stewart, of Darnley; and as the descent both of Thomas Stewart, of Minto, and of his wife Isabella Stewart, is clearly deduced in the View of the Evidence,^c from Sir William Stewart, of Jedworth, it ought to be considered as a strong proof of his being a younger son of the House of Darnley, and of his being the person whose death before Orleans is mentioned in 1429, when his descendants, in 1477, are, in an authentic charter, styled *Cousins* of that family. It must be attributed solely to the depredations of time, that the deed is not extant, by which the lands of Croswell were conveyed from the House of Darnley, to Sir William Stewart,

^c Vide, the View of the Evidence, printed at Edinburgh, p. 36, &c.

Stewart, and in which, in all probability, he was styled a younger brother of that House.

No. VIII. Letters Patent by King James VI. creating Sir Alexander Stewart, of Garlies, Lord Garlies, dated Whitehall, July 19th, 1607, in which Sir Alexander Stewart is said to have been descended from the family of Lennox, Alexander Stewart, *qui tantis annis elapsis, ab illa antiqua et nobilissima familia de Lennox descendit.*—*Nos igitur respectu dicti continuationis et descensus dictæ Domus de Garlies, et suæ nobilis progenies ab antiqua Domo de Lennox derivatæ, &c.* King James, who granted these letters patent, was himself descended from the family of Lennox, and was well versed in its history, for he had, during his reign, employed several persons to trace its genealogy. It is not likely that he was deceived, for it was a subject with which he was well acquainted, and which he took particular pleasure to contemplate. It is not probable, that he could have been imposed upon, for standing two centuries nearer the source than we do at present, and having access to many traces of the channel of descent, which are now lost or obliterated, the imposition could have been easily discovered, and the authors of it could have been severely punished, Ludovic, Duke of Lennox, was commissioned to invest Sir Alexander Stewart, with the honours designed him. *Concedimus nostram plenam commissionem et potestatem nostro nobilissimo et prædilecto consanguineo et consiliario Ludovico Lennoxie Duci, &c. præfatum Alexandrum Stewart de Garlies, Dominum de Garlies, faciendi, &c.* The Duke of Lennox was at the head of the family of Darnley, and was, as well as King James, very conversant in its history, and interested in its reputation, and

Public Records.

and it appears extremely improbable, that a person should have been thus publicly and officially acknowledged as a relative of the family, and invested with distinguished honours by the Duke's own hands, on account of his affinity, if the story of his descent from that family was all a fabrication, and his alliance with it a misrepresentation or an imposture. The genealogical history of the House of Lennox is well known. The family of Garlies could not have been descended from it except through the medium of Sir William Stewart, of Jedworth. There is no other period of their history, where it is at all probable they could have derived their origin from that House. Either this passage, therefore, in the Letters Patent and the testimony of King James, and the Duke of Lennox relative to the genealogical descent of their family, must be regarded as an error and an absurdity, or it must be admitted as it has been already stated, that it is a strong, authentic, and decisive evidence, clearly and satisfactorily proving, that Sir William Stewart, of Jedworth, was the son of Sir Alexander Stewart, and a younger brother of Sir John Stewart, of Darnley, who fell before Orleans, in the year 1429. But Sir John Stewart, it has been already stated, had, about the year 1385 or 1392, married one of the co-heiresses of the ancient House of Lennox, and in consequence of the failure of the issue male of Duncan, Earl of Lennox, Sir John Stewart's grandson, inherited the estate, and claimed the title of Earl of Lennox. If Sir William Stewart, of Jedworth, therefore, was the second son of Sir Alexander Stewart, of Darnley, whatever transferable honours or possessions, Sir John Stewart, or his posterity should die possessed of, would naturally devolve on Sir William Stewart and his posterity. The expressions used in the
 Letter

Letters Patent, could not possibly point out more explicitly, the particular period when the Stewarts of Garlies branched off from the stem of the Stewarts of the House of Lennox, nor could the person who formed the junction between the two Houses be more accurately pointed out; for if the expression in the patent regarded any supposed descent of the Stewarts of Garlies from the House of Darnley, prior to the period that has been mentioned, the language would have been different, and they would have been stated to have derived their origin, not from the *ancient and noble House of Lennox*, but from the House of Darnley, for the Stewarts had no connection with the House of Lennox, prior to the year 1385, or 1392. The account given in the patent of the genealogical descent of the Garlies Family from the House of Lennox, must not only be intended to point out Sir William Stewart, the particular person connected with that House, from whom they derived their origin, but eventually to do them more essential service, by bearing legal and authentic testimony to the truth of their being next heirs to the honours possessed by that branch of the Stewarts, should it ever happen to become extinct. In a genealogical investigation of the descent of any family, the authority of a Letters Patent has ever been regarded as the most de-

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a The following is the observation of a very learned and ingenious Antiquary on this important and conclusive piece of written evidence. " The date of the Patent from King
 " James I. to Lord Garlies, being nigher by 150 years to the time when the ancestors of
 " both lived, than the beginning of the present question, and within 150 years at most of
 " the time, when those ancestors must, according to the Earl of Galloway's pedigree, have
 " been first cousins; it is not to be imagined, that his Majesty, who was himself a genealo-
 " gist, and extremely well informed of every thing regarding his ancient kingdom of
 " Scotland,

cisive and incontrovertible evidence. The testimony of the Letters Patent, under consideration, is justly entitled to more than the usual share of credit accorded on such occasions. There are many instances, where, on much more slender authority, the evidence of Letters Patent has been considered in questions relative to genealogical descent as satisfactory and decisive. In the case of Colonel Thomas Twisleton, for instance, who claimed the barony of Say and Sele, the Patent of King James the VIth is repeatedly cited, and its authority relied on as a sufficient proof of the descent of the Fenys Family. Collins's Peerage, Vol. ix. p. 137, 145, &c.

Such are some of the proofs selected from written evidence, which might be adduced in support of the account which states Sir William Stewart, of Jedworth, to have been the second son of Sir Alexander Stewart, of Darnley, and the brother of Sir John Stewart, who fell at the siege of Orleans in the year 1429. And such are some of the arguments which naturally present themselves on the perusal of such parts of the Written Evidence, as have been subjected to examination. But the narrow limits of these papers will not admit of prolix reasoning; in the present Abstract of the Evidence, it is only possible to give some of the most striking authorities, and the outlines of such

“ Scotland, should not have known what families of the Stewarts had the latest branched
 “ off from his own paternal Family of Lennox. It is not to be imagined that Sir Alexander
 “ der Stewart, of Gardie, did not himself know whether his ancestor, less than 200 years
 “ before, was a son of the Darnley family or not; it is still less to be imagined, that he
 “ would have ventured to impose upon the King, in claiming his descent from that family,
 “ knowing that his Majesty must afterwards be undeceived, and justly irritated at having
 “ been made to grant a patent, containing an assertion contrary to fact.” &c.

such genealogical deductions as seem naturally to arise from the proofs and documents that are adduced.

There is another species of evidence, which, on this occasion, claims its share of attention. The evidence arising from an accurate attention to the circumstances attending the facts established by the written documents that have been produced. Charters and ancient Deeds may have been forged, and have often, to favour interested views, been altered and vitiated; but the evidence, which arises from due attention to concurrent circumstances, cannot be changed or counterfeited, and is justly entitled to the greatest respect and credibility. It is a fact incontrovertibly established on the testimony of the clearest written evidence, that Sir William Stewart, the brother of Sir John Stewart, of Darnley, fell at the siege of Orleans, on the 12th of February, 1429. In the journal of that siege, published in the year 1576, and in several other authentic accounts of that event, it is said, that the two brothers fell on that day. *Le lendemain qui fut le douzieme jour de Février 1429—estoient là mors et tuez plusieurs grands seigneurs, &c. Messire Jean Estuart, Connestable d'Escoffe, Messire Guillaume Estuart son frere, &c.* On the 23d of April following, it appears from a notorial instrument in the Charter Chest of Lord Minto, at his seat at Minto in Scotland, that Sir William Stewart, of Dalwinton, claimed and took possession of the lands and barony of Minto, in right of his grandfather. In order to give this event its proper weight in evidence, it is necessary to recollect that the Lands of Minto had been originally conferred by Sir John Turnbull, of Minto, upon Sir William Stewart, of Jedworth. The Charter of Confirmation is preserved in the public Archives at Edinburgh, dated January 4th, 1391. Sir

Circumstantial Evidence.

John Stewart, of Dalswinton, the son of Sir William (it has been observed) died some time prior to the 28th of October, 1420, for on that day, Marion Stewart, of Dalswinton, his widow, resigns, *in pura viduitate*, the Lands of Garfalloch, in favour of Sir Herbert Maxwell. The Charter of Confirmation is preserved in the Public Records. The proper and regular proofs of the existence of this Sir John Stewart, of Dalswinton; of his being the eldest son and heir of Sir William Stewart, of Jedworth; of his having been succeeded in his estate and possessions by his eldest son, afterwards Sir William Stewart of Garlies, and Dalswinton; may be found minutely detailed, in the View of the Evidence drawn up on the part of the Earl of Galloway, p. 21, 28, &c. It has likewise been before remarked, that, in consequence of a rumour, which is supposed to have reached Scotland, of the fall of a person represented as Sir John Stewart, of Darnley's brother, at the battle of Crevant, in the year 1423, or at the battle of Vernueil, in the year 1424, Walter Turnbull, of Minto, in the year 1425, had endeavoured to invalidate the grant that had been made to Sir William Stewart, of Jedworth, of those lands, in the year 1391, and had attempted to place himself in a proper attitude to resist any claim that should be made to them by the heir at law, or by any person representing himself as the descendant of Sir William Stewart. But it does not appear that any person on the part of Sir William Stewart, his heirs or successors, was concerned in any transaction in a Court of Justice, involved in any suit at law, or harrassed with any legal proceedings relative to the estates of Minto, for the space nearly of forty years, from the year 1391, to the year 1429. No vestiges appear on the Records of Scotland of any opposition made to the

the extraordinary proceedings of Walter Turnbull, when a jury, nominated for the occasion (1425) declared that the grantee, at the time of the date of the original charter, laboured under the effect of a leprosy, a circumstance which then (according to the laws of Scotland) rendered all the proceedings void, and made the grant of no effect. No further steps were taken on this occasion; no further measures were resorted to, to withhold those lands on the one hand, nor any legal claims made to them on the other for several years. But, on the 23d of April, 1429, as is evident from a notorial instrument of that date, among the Minto Papers, Sir William Stewart, of Dalswinton, the grandson of the original grantee, appeared in person at Minto, and took possession of the estate. *Per hoc publicum instrumentum cupitis, pateat, &c. quod anno 1429, mensis vero, Aprilis, die 23, &c. assistit nobilis vir Walter Turnbull, de Mintaw, &c. recitando quod Willielmus Senescallus Dominus de Dalswinton possessionem sive Sasinam hæreditariam, &c. Superioritatis totius Baronie de Mintaw per Breve de Sasina Domini nostri Regis, &c. suscepit, et corporaliter est ingressus, &c. Quam quidem possessionem sive sasinam, &c. predictus Walterus Turnbull asserens se esse Baronem de Mintaw, &c. ibidem frangendo interruptit præferens hæc verba, Illam possessionem, &c. Ego Walterus Turnbull, &c. frango et frangendo interrompo.*

Lord Minto's
Charter
Chest,
Pocket A
No. 6.

On maturely considering the circumstances alluded to in this notorial instrument, it is natural to enquire, why, on the part of the Stewart family, no claim was made to the lands of Minto, from the year 1391, to the year 1429, a space nearly of about forty years? The answer is obvious; the person on whom they

* Vide the View of Evidence for Lord Galloway, p. 3c.

they had been originally conferred at the former, continued in existence till the latter, period. The grant of those lands to Sir William Stewart, in 1391, remains upon record. Several authentic deeds, in which his eldest son, Sir John Stewart, of Dalswinton, was concerned, are still preserved. It appears from the most unquestionable authority, that he was alive in the year 1318, and that his wife, Dame Marion Stewart, of Dalswinton, survived her husband. For it is evident from charters already quoted, that she was a widow towards the latter part of the year 1420. Why did not the son, Sir John Stewart, or his widow, Marion Stewart, take legal possession of the estate, if the original proprietor, Sir William Stewart, had died within either of those periods? The deeds preserved at Minto, relative to that territorial possession, appear to be regular and entire. Every succession of proprietors, every devolution of the property, are regularly marked, and may be accurately traced, but no mention is made of any claim preferred to that estate, by the younger Sir William Stewart, on the death of his father, Sir John Stewart, of Dalswinton, nor on his coming to years of maturity at any time subsequent to that period, nor in consequence of any family arrangement on the marriage of his mother, Marion Stewart, with Sir John Forrester of Corstorphin. And when the Turnbull family, in the year 1425, as has been already observed, attempted to invalidate the original grant of the lands of Minto, no opposition was made to their proceedings by the younger, Sir William Stewart, nor by any person acting as his representative. No measures were taken to ascertain in whom the legal property of the lands was vested, no person preferred his claim to them for three or four years afterwards. But in the year 1429, Sir William Stewart, the brother

ther of Sir John Stewart, of Darnley, perished at the Siege of Orleans. He fell, it appears, on the clearest and most indisputable evidence, on the 12th day of February; and on the 23d of April, in the same year, Sir William Stewart, the grandson of Sir William Stewart, of Jedworth, it is evident from the notorial instrument already cited, repaired to Minto, vested with necessary authority, to take seisin and hereditary possession of the estate. It was to Sir William Stewart, of Jedworth, that the lands had been originally granted in the year 1391. The charter, and a confirmation of it are still extant in the Public Archives. No intermediate proprietor, of the Stewart name, appears to have been possessed of the lands of Minto, from the year 1391, to the year 1429; and, in the latter period, Sir William Stewart, the grandson, claimed hereditary right to them. That this hereditary right was derived from his grandfather, is a circumstance completely established, by the proceedings of the Turnbull family, already alluded to in the year 1425; for they do not complain of the illegal conduct of the son, or of his violent entry into those lands; they do not lodge their complaint against any unwarrantable steps taken by the widow to remain in possession after the decease of her husband; nor do they make any legal objections to any supposed irregular proceedings countenanced by the grandson, or by any person acting by virtue of authority from him; they only attempt to invalidate and lay aside the original grant that had been made of those estates, in the year 1391, to the grandfather, Sir William Stewart, of Jedworth.

The attempt made in the year 1425, to invalidate the original grant of the lands of Minto, it has been already stated, was in consequence of a rumour propagated in Scotland, of the death

death of Sir William Stewart, the brother of Sir John Stewart, of Darnley, at the Battle of Crevant, in the year 1423. But that that was no more than a rumour is evident, for, in Bellefore's Annals of France, in the British Museum, Vol. II. folio 1069; mention is made among the personages, who fell at the Battle of Crevant, of *Guillaume Hamilton, Escoffois*. And, in the Earl of Suffolk's letter, dated August the 1st, 1423, and preserved by the same author; the brother of the Constable of Scotland is named among those who fell at that battle, *et de morts y est le frere du dit Conneftable d'Escoche*. It does not appear that any person of the name of Stewart, lost his life on that occasion, but *William Hamilton*, who was killed at the Battle of Crevant, might have been represented as the brother of Sir John Stewart, of Darnley, the Constable of Scotland, because the mother of the former was married to the father of the latter. A report had likewise prevailed, that Sir William Stewart, the brother of Sir John Stewart, of Darnley, had been killed at the celebrated Battle of Vernueil, in the year 1424. Some faint traces of such a report may be discovered in the traditions of the family. For, in the inscriptions, under the portraits preserved in the gallery of the palace of La Verrery, Sir William Stewart, (brother of Sir John Stewart,) killed at the Battle of Vernueil, is mentioned; and Alexander Stewart, (brother of Sir John Stewart,) killed at the Battle of *Harans*, is named; but that this was only a vague report is evident; for it is proved on the clearest evidence, that Sir William Stewart, the brother of Sir John Stewart, of Darnley, was killed at the siege of Orleans; and though it may be probable, that his other brother, Alexander Stewart, fell in some battle, about that period, in France,

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it is presumeable from the accounts given in history of those battles, that it could not have been at the affair of Vernueil, or at the siege of Orleans. These rumours, however, which appear clearly to have prevailed in the years 1423, and 1424, afforded sufficient reasons for instituting the enquiry at Minto, in the year 1425, relative to the validity of the original grant of these lands to Sir William Stewart, of Jedworth, and the absolute silence observed, with respect to any further claims to that estate, till the year 1429, when Sir William Stewart, the brother of Sir John Stewart of Darnley, fell at the siege of Orleans, and when the grandson of Sir William Stewart, of Jedworth, appeared in person at Minto, to take possession of the estate in right of his grandfather, prove to a demonstration, that Sir William Stewart, of Jedworth, and Sir William Stewart, the brother of Sir John Stewart, of Darnley, must have been one and the same person. The whole circumstances attending these transactions, occupy a period of nearly forty years, they would soon have betrayed some vestiges of inconsistency, had they not been founded in the strictest truth. But such is the force of this part of the evidence, that though collected from private charter chests and public archives, family anecdotes, and national annals, domestic antiquaries, and foreign historians, every part of it is found simple, perspicuous, and consistent, as if the whole had been taken from one single deed. As these circumstances are of such a nature, that they could not have been invented, and as they are so luminous, that the light they throw on the subject cannot be obscured, the issue of the whole question might with safety have been trusted to the validity and perspicuity of the evidence that might be derived from a cool and impartial consideration of

company with the son of the Earl of Douglas, and other youthful associates. From the testimony of two or three authors, who give an account of the children of Sir Alexander Stewart of Darnley, it appears evident, that Sir Alexander actually had a son that bore the name of William, and who must have been contemporary with Sir William Stewart, of Jedworth. Crawford and Sir Robert Douglas, in their *Peerages of Scotland*, under the article, Stewart, Earl of Darnley, and Duncan Stewart, in his *Genealogical History of the Family of Stewart*, give an account of Sir Alexander Stewart's children, who according to them, were,

1st. John, who succeeded his father, and who, having engaged in the French service, and having distinguished himself on several occasions, was rewarded with the Lordship of Aubigny, and was killed at the siege of Orleans, in 1429.

2d. William, who went to France, in the year 1419, commanded a body of Scots troops, and fell at the siege of Orleans.

3d. Alexander, designed of Gallifton and of Torbane, supposed to have followed his two brothers to France, and to have died there.

4th. Robert, who had from his father a grant of the lands of Newton, in the county of Lanerk.

5th. James, who had a reversion of the lands of Newton.

6th. A daughter Janet, who was married, in the year 1391, to Thomas de Somerville of Carnwath, and who, from a charter of that date, preserved in the public archives, appears to have had a grant from her father of the lands of Cambusnethan.

These

These are all said to have been the children of Sir Alexander Stewart of Darnley, by Janet Keith, the widow of Sir David Hamilton of Cadzow, but as it is evident, that her first husband was alive in the year 1378, and as several of Sir Alexander's children had arrived at years of maturity, prior to the year 1390, they certainly could not have been his children by that marriage. He therefore must have been previously married to some other person, who must have been the mother, at least, of some of the oldest, if not of all his children, and his matrimonial connection with Janet Keith must have taken place at a latter period in life. That Janet Keith lived in a state of marriage with her first husband Sir David Hamilton, of Cadzow, in the year 1378, appears evident from a charter of King Robert II. of that date, preserved in the public archives, of the resignation of David Hamilton, and his wife Janet, of the lands of Drumcore, in the barony of Bathkeit, in the constabulary of Linlithgow, in favour of Sir James Douglas, of Dalkeith. The property which the Stewarts of Darnley afterwards appear to have had in the barony of Bathkeit, and which Sir David Hamilton is said in the charter to have possessed, *ratione dictæ sponsæ suæ*, might serve to prove the lady mentioned on this occasion to have been the same who was afterwards married to Sir Alexander, were there no other evidence of that fact.

Among Lord Hopetown's papers, there is a charter by John Lord Darnley, dated November 18th, 1465, in favour of Alexander Hamilton, son and apparent heir of Sir Archibald Hamilton of Innerwick, of the lands of Ballincrieff in the barony of Bathgate, in the shire of Linlithgow. This, as well as several other deeds of the same tendency, found among

Lord Hopetown's
Charter
Chest.

among the same papers relative to lands, in the barony of Bathgate, when duly compared with the charter already cited, purporting that Sir David Hamilton, of Cadzow, possessed lands in that barony, in right of his wife Janet, will serve considerably to corroborate the account given of the identity of Janet Keith, and to demonstrate that it must have been the same person who was first married to Sir David Hamilton, and afterwards to Sir Alexander Stewart. It appears extremely improbable, that there should have existed, at the same period, two Janet Keiths, both married to persons of the name of Hamilton, and both possessed of extensive estates in the barony of Bathgate, facts that can hardly be credited, without clearer and more decisive evidence than has yet been adduced. But there are other reasons for believing that it must undoubtedly have been the widow of Sir David Hamilton, of Cadzow, that was afterwards married to Sir Alexander Stewart, of Darnley. This fact will be admitted to be, at least, considerably confirmed by the following remarkable circumstance. It appears evident from the confirmation of a charter, by Janet Keith, after the death of her last husband, dated December 11th, 1406, that the names of two of her sons, the fruit of her former matrimonial connection, were Andrew and William. For, in a deed of that date, she grants the lands of Gallistoun to her son Andrew de Hamilton, and the grant is witnessed among others by her son William de Hamilton. Sir David Hamilton of Cadzow, is reported, by all the genealogical writers, to have had five sons and a daughter by his wife, Janet Keith; and two of his sons most indubitably bore the names of Andrew and William. This additional circumstance strongly tends to prove the identity of the Janet Keith, who
was

was married to Sir David Hamilton, of Cadzow, and who survived him, and of the Janet Keith, represented as the wife of Sir Alexander Stewart, of Darnley. Crawford says, that the second Sir David Hamilton, of Cadzow, married Janet Keith, by whom he received a great fortune, and that he had by her, five sons and a daughter, and Sir Robert Douglas gives nearly the same account of her. But it has been already demonstrated, that it is impossible she should have been the mother of Sir Alexander's children, for most of them had arrived at years of maturity, prior to the year 1390, and her first husband was evidently alive in the year 1378.[†] It must, however, be admitted, that in the charter already cited, dated December 11th, 1406, wherein Janet Keith grants the lands of Gallistoun to her son Andrew de Hamilton, Sir John Stewart of Darnley appears among the witnesses, and that she represents him

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[†] A gentleman, eminent for his literary talents, and well versed in the antiquities of his country, (Scotland,) and to whom the humble writer of these sheets is under many obligations, has been pleased with his usual politeness to communicate the following observation on this subject.

“ Mr. Andrew Stewart proves, that the Dame Janet Keith, who was married to Sir David Hamilton, of Cadzow, could not have been the mother of Sir John Stewart of Darnley, and his brothers. Therefore, if it can be made appear, that the Dame Janet Keith, who had been married to Sir David Hamilton, of Cadzow, was the same person who was afterwards married to Sir Alexander Stewart, of Darnley, it must necessarily follow that she was not his first wife. Now Mr. Andrew Stewart gives extracts of two charters, by which Dame Janet Keith grants the lands of Brentwood to her son, Andrew Hamilton, and the lands of Bathgate to her son, William Hamilton, but he denies her having been the widow of Sir David Hamilton, of Cadzow, and supposes her to have been first married to an unknown person of the name of Hamilton.”

“ In the abridged Peerage of Scotland, published in London, in the year 1767, it is stated, that amongst other sons which Sir David Hamilton of Cadzow, had, by his wife, Dame Janet Keith, were William, from whom descended the Hamiltons of Bathgate, and Andrew, the ancestor of the Hamiltons of Bruntwood, from whom branched the families of Burnclaugh, Roschaugh, Pencaitland, Bangour, and Withaw.”

as her son, *Johanne Seneschallo filio meo domino de Cruickiston*. But it is an obvious rule in the examination of credible evidence, where there seems any appearance of contradiction, candidly to adopt that interpretation which involves the least difficulty, and the least absurdity. That the word *filius*, in this charter, should imply the son of her husband, or her son-in-law, is by no means contradictory to the evidence that has been adduced, and is perfectly consistent with ancient usage. In a deed cited by Crawford, in his Peerage of Scotland, an instance is given where Lord Torphichen styles his son-in-law his son, *filio meo Jacobo de Sandilands*. Lord Hailes, in the additional case of Elizabeth, claiming the title and dignity of Countess of Sutherland, page 140, represents the introduction of these expressions, as often the operation of the notary, and proves from several authorities, that the word *filius* was taken in different acceptations. In Dame Janet Keith's charter, of the 11th of December, 1406, the word *filius* may be proved to have meant her son-in-law, by the very authority quoted to prove the contrary. For a charter of confirmation, by Sir John Stewart of Darnley, of the lands of Ballincrieff, in favour of Alexander de Hamilton is quoted, in which Andrew de Hamilton, and Alexander Stewart, whose names occur as witnesses, are both styled *fratribus meis* by Sir John Stewart, but it is evident that the word *frater*, as applied to Andrew de Hamilton, could not be taken in the general sense of the word, for *he* could not have been his full brother; and the fair inference is, that the word *filius* likewise, in Dame Janet Keith's charter, is not to be taken in the general sense, as Sir John Stewart, consistent with the statement that has been made, could not have been her son in the full acceptance of the word.

word. But if agreeable to the hypothesis, he was the son of her husband, Sir Alexander Stewart, by a former wife, she could not well, in conformity with the custom prevalent in that age, have avoided representing him as her *son*; nor could Sir John Stewart, with any degree of propriety, when executing a deed of that nature, have represented the son of a person who had been married to his father, otherwise than as his *brother*; for, at a period, when it became necessary to strengthen the family interest by every accession of wealth and military influence, and to conciliate the affection of every relative and every ally, by expressions of kindness and benevolence, it would have been considered as harsh and invidious language on such an occasion, to use such epithets, as *step son*, or *step brother*; and if the relation, in which Janet Keith stood to Sir John Stewart of Darnley, was exactly what has been described, she could not, in public charters, have used, with regard to him, nor could he, with respect to *her sons* by her former husband, consistent with the customs of the age, have introduced expressions different from those that occur in the deeds that have been cited. It appears certain, from a candid and impartial consideration of the whole subject, that Sir Alexander Stewart, of Darnley, must have been twice married, and that his children were the fruit of the first of his matrimonial alliances. It is, perhaps, difficult, at this distance of time, to ascertain what family gave birth to his former wife, but from the influence of the Turnbull family at that period, on the borders of Scotland, from their great opulence, from the contiguity

* Very extraordinary instances are given by the Scots Historians, of the valour and intrepidity of this family, and of the public estimation in which they were held. King Robert

tiguity of their possessions to the lands of Innerwick, and other estates possessed by the Stewarts of Darnley, from the connection that subsisted between the families, and from Sir John Turnbull of Minto's having embarked in the French expedition, at the same period, with Sir John Stewart of Darnley, and from other circumstances, it appears extremely probable, that Sir Alexander Stewart of Darnley's first wife might have been of that family. And it has been thought that the charter of the lands of Minto, dated January 4th, 1391, corroborates this supposition, as well as affords an additional presumptive proof of Sir William Stewart's having been the son of Sir Alexander Stewart of Darnley. For in that charter, John Turnbull, afterwards Sir John Turnbull, of Minto, confers the lands and barony of Minto, on his nephew or grandson, Sir William Stewart, of Jedworth, *Domino Willielmo Senescallo de Jedworth, Militi, Nepoti meo*. As the improbability is apparent of Janet Keith's having been the mother of Sir Alexander Stewart of Darnley's children, and as it is presumable from the circumstances that have been mentioned that he must have been previously married, this charter will have considerable weight

Robert Bruce being in imminent danger from an enraged bull, which ran violently at him, a knight of that family laid hold of the infuriated animal, and turned him by main strength, when he was killed by some of the king's attendants, who ran to the brave knight's assistance. As a reward for his valour, he had the king's authority to bear the name of *Turnbull*, and had a royal grant of the lands of Bedrule, on the borders of Scotland. Vide *Nisbet's Heraldry*, &c. Sir James Turnbull behaved with great gallantry at the battle of Nisbet-moor, 1354, and lost his life on that occasion. Vide *Ridpath's History of the Borders*. Bishop Turnbull founded the University of Glasgow. In the list of Scots charters, among the Harleian MSS. in the British Museum, mention is made of a charter in favour of one of this family for his valourous conduct in battle, where he carried his *Pinfell*, or the King's standard.

weight in deciding who his first wife was, as well as in giving additional force to the evidence already adduced to prove Sir William Stewart of Jedworth's descent from the Darnley family; for these collateral proofs as they cannot be forged or invented, they often may be regarded as weightier and more irrefragable evidence than directer and more explicit proofs.

... The account given of Sir David Hamilton, of Cadzow, the date of the charter in which mention is made of his wife, Janet Keith, her subsequent marriage with Sir Alexander Stewart of Darnley, the respective ages of Sir Alexander Stewart's children, and the impossibility of her having been their mother, are circumstances which naturally present themselves on the perusal of these ancient deeds, and authentic documents, and cannot have been the fruit of heraldic invention, or parts of any preconceived genealogical hypothesis. On the other hand, the proofs demonstrating Sir William Stewart of Jedworth, to have been the son of Sir Alexander Stewart of Darnley, his being described in an ancient charter, as the nephew or grandson of Sir John Turnbull, of Minto, the certainty of Sir Alexander's having been twice married, and the probability of his first wife's having been of the Turnbull family, are facts so natural and so illustrative of each other, that they must be acknowledged to add considerably to the strength and force of the evidence, and to bear every mark of verisimilitude. But as in the examination of proofs of this nature, where there is any appearance of improbability, or inconsistency, credit must be given to whatever seems most evident, and best established, if it should appear that Sir John Stewart, of Darnley's maternal

ancestors were not of the Minto family, it must follow as a matter of course, that Sir William Stewart of Jedworth, was not maternally descended from that family, and that the expressions *nepos meus* applied to him in Sir John Turnbull's charter, could only have meant *nephew*, or *grandson-in-law*, on account probably of his having married a lady descended from that house; for this construction of the charter would prove more probable and consistent, than to contend, on such grounds, in opposition to the evidence that has been given, that Sir William Stewart, of Jedworth, was not the brother of Sir John Stewart, of Darnley.

The evidence on this subject, thus appearing to have received considerable acquisition of presumptive proofs from an enquiry into the history of Sir Alexander Stewart of Darnley, from the age and names of his children, from the period of Janet Keith's marriage, and from all that can be discovered relative to the origin and the descent of the family, it will be proper to enquire whether Sir John Stewart of Darnley, and Sir William Stewart of Jedworth, were contemporaries, and how far an investigation of their respective histories may serve to illustrate, and add weight to, the evidence that has been adduced.

The earliest account given of Sir John Stewart of Darnley, is in the year 1383, when it appears from a deed in the possession of Lord Hopetown, that he had arrived at years of maturity, "for, on the 24th of May, in that year, there is a precept or certificate under the Great Seal, by King Robert the second, testifying that he, by his charter, is obliged to warrant the barony of Bathgate to his cousin John Stewart, of Darnley." There are several other deeds in the same collection,

tion, which seem clearly to prove that he must have been of mature age about that period. The next circumstance recorded of him, is his marriage with Elizabeth, daughter of Duncan, Earl of Lennox, and one of the co-heiresses of that opulent house, a connection which proved the means of acquiring to the Darnley family, the extensive estates appertaining to that ancient earldom, and of obtaining for them, in process of time, the honourable and respectable title of Lennox. The precise date of this marriage cannot now, perhaps, be exactly ascertained. Some authors have supposed it to have been celebrated so late as the year 1392, but as Sir John Stewart's death is placed in the year 1429, and as he then had a son, Sir Alan Stewart, who succeeded him, and who, being unfortunately slain in a domestic feud a few years afterwards, had likewise a son of mature age, who succeeded to the honours and estates of the family, the marriage of Sir John Stewart cannot well be supposed to have taken place later than the year 1385.

In a collection of old papers, relating to the Stewarts of Darnley, in the possession of his Grace the Duke of Montrose, there is "an obligation, by William de Sandylandis, son of the deceased John de Sandylandis, to Sir John Stewart, domino de Castell Mylke, for one hundred marks sterling, dated May 4th, 1387." It has been thought, as the superiority of the lands of Castle Milke appertained to the Darnley family, that this Sir John Stewart must have been Sir John Stewart afterwards of Darnley, who designed himself of Castlemilk, prior to his succession to the family estate, on the death of his father, Sir Alexander Stewart. And as Sir William Stewart, of Jedworth, and Sir William Stewart, of Castlemilk, are said by Crawford, and all the genealogists deserving of any credit, and

and who have traced the pedigree of this family, to have been one and the same person ; and as it is possible, that the eldest brother, Sir John Stewart, might have resigned the lands of Castlemilk in favour of his next brother Sir William, the evidence adduced to prove Sir William Stewart, of Jedworth, to have been the brother of Sir John Stewart, of Darnley, would, from the establishment of this circumstance, derive a considerable degree of corroboration. It must be admitted, that these facts appear extremely probable, and that the proofs produced to substantiate the connection, subsisting between the Castlemilk family, and the Stewarts of Darnley, tend to confirm and establish the account given of Sir William Stewart, of Jedworth's descent from the House of Darnley. It is but just, however, to state every objection that has been made to this hypothesis, and not to place, on any argument, more weight than it can fairly bear. It is hinted in a manuscript history of the House of Dalswinton, attributed to George Crawford, that John Stewart, the brother of Sir Walter Stewart of Dalswinton, was the person here designed Sir John Stewart, of Castlemilk, and that the Stewarts of Castlemilk were Cadets of the House of Dalswinton. " The uncle of Marion Stewart, Sir
 " John Stewart, I am very positive, (saith he,) is the first of the
 " House of Castlemilk. That which confirms this the more, is,
 " that he wears the arms of Dalswinton. I am absolutely satis-
 " fied, (saith he, in another place,) that Sir John Stewart, son to
 " Sir John Stewart, of Dalswinton, was the first of the House
 " of Castlemilk, and that he got the estate of Castlemilk
 " from Sir Walter of Jedworth, his niece's husband, after the
 " death of his father Sir William, of Jedworth, Sheriff of
 " Teviotdale

" Teviotdale, very likely for his pretensions, as heir-male of
 " Dalswinton. The identity of the arms clears it, especially
 " the Sir John of Castlemilk, found in Paisley Writs, in 1409,
 " is undoubtedly he." In favour of this opinion, it must be ac-
 knowledged, that no direct proofs have ever been adduced of any
 of the Darnley family's being designed of Castlemilk, or of their
 having ever resided on that estate, though it may be incontro-
 vertibly proved that they were possessed of the superiority of
 those lands. On the other hand, Crawford's supposition, rela-
 tive to the first Stewart of Castlemilk, is attended with many
 difficulties. His having had a grant of the estates from his
 niece's husband, (whom he erroneously calls Sir Walter, in-
 stead of Sir John,) is absolutely inconsistent with the most
 established facts. For John Stewart, of Dalswinton's niece
 was not married till the year 1396, and the first Stewart of
 Castlemilk is mentioned in the deed that has been cited in
 the year 1387. Upon the whole, as in every discrepancy of
 evidence, the testimony that appears most probable is to be
 credited, the hypothesis which represents Sir John Stewart,
 of Darnley, as the person who designs himself, of Castle-
 milk, in the year 1387, seems most consistent, and tends no
 less than the contrary supposition, to corroborate the evidence
 that has been produced to prove that Sir John Stewart, of
 Darnley, and Sir William Stewart, of Jedworth, were brothers,
 and as several respectable authors contend that *de Castlemilk* was
 a title occasionally assumed by the latter, every attempt to
 deduce the Stewarts of Castlemilk from the family of Darnley,
 will only tend to corroborate the evidence of the Stewarts of
 Jedworth's descent from that family.

Sir

Sir Alexander Stewart, of Darnley, died about the close of the fourteenth, or the beginning of the fifteenth century, and was succeeded in his titles and estate, by his eldest son, Sir John Stewart. On the 5th of May, 1404, Sir Colin Campbell, one of the ancestors of the Duke of Argyle, had a grant from Robert, duke of Albany, of a part of the barony of Cowal, called Cowal Stewart. The witnesses to this grant are Robert Stewart of Darnley, &c. Duncan, Earl of Lennox, &c. John Stewart, of Darnley, &c. The charter is cited by Crawford, in his Officers of State, p. 42.

On the 11th of December, 1406, Janet Keith, who describes herself, as, at that period, in a state of widowhood, made a grant in favour of her son, Andrew de Hamilton, of a part of the lands of Galstoun. One of the witnesses to this charter, is Joannes Senescallas, filius Meus, dominus de Cruickston: the relation in which the granter of the charter stood to him, and the probability of the word *filius* here implying *privignus*, has been already hinted.

In the year 1407, Sir John Stewart, of Darnley, and the principal nobility of Scotland, renewed the ancient league subsisting between that kingdom and France. “The governor of
“ Scotland had not only renewed and sworn to the inviolable
“ observation of the ancient league in presence of the am-
“ bassadors of King Charles, (who had done the same some
“ months before), in 1407, two years after his being advanced
“ to the helm of affairs, but also, most part of the nobility
“ about him had taken an oath to the same purpose, and given
“ it in writing to the same ambassadors, particularly Walter,
“ Earl of Athol, the governor’s brother, John, Earl of Bu-
“ chan, his second son, Patrick Graham, called in the record,
“ Earl

“ Earl Palatine of Strathern, William, Lord of Graham, *John*
 “ *Stewart, of Darnley*, James Douglas, of Abercorn, brother
 “ the Earl of Douglas, and James Douglas, of Dalkeith.”
 Abercromby's Martial Achievements of Scotland, Vol. II.
 p. 246.

It is asserted in the *Scotichronicon*, that Sir John Stewart was so much in the confidence of Charles, king of France, that he was promoted to several posts of honour in that country, and entrusted with an important embassy to Scotland, in the year 1409. It is true, that the author of the *Scotichronicon* is not always accurate in point of dates. But in a collection of ancient treaties between France and Scotland, still preserved in the Advocates library in Edinburgh, the name of Sir John Stewart, of Darnley, frequently occurs in a manner that demonstrates he was held in high estimation in France, and that he was soon after that period advanced to considerable honours, and rewarded with extensive estates. *Traites entre la France, et l'Ecosse*, Advocates Library, Edinburgh.

The date of his embassy to Scotland is fixed by some writers at a different period; but from an attentive examination of all concurrent circumstances, it appears evident, that he arrived in Scotland in quality of Ambassador on two different occasions, and on different missions, to negotiate a treaty of marriage between the dauphin and the princess Margaret, and to obtain military aid. It seems to be a fact pretty well established, however, that he came to Scotland in the year 1409, to solicit military assistance from the Duke of Albany, who was the governor of that kingdom. “ The French king, knowing
 “ the friendship of Scotland to be of no small importance to
 “ any that would fight against the English, sent over John
 F “ Stewart,

“ Stewart of Darnley, marshal of a garrison of horsemen, with
 “ the Earl of Douglas, marshal of France, and Renould de
 “ Charters, archbishop of Rheims, and chancellor of France,
 “ to renew the ancient league between the French and Scots.”
 Mackenzie's lives, Vol. I. p. 310.

The following passage from the Scotichronicon, regards Sir John Stewart's conduct in the course of the year 1421.
 “ Audito quod Dux Clarentiæ recessisset a Bauge, comes Buchananæ timens versutias æmulatorum, misit dominum Johannem Stewart, Militem, consanguineum suum de Dernle, ad explorandum Anglos, &c.” Fordun, p. 1214, Hearn's edition, and in the same work, p. 1314, the following words occur, “ Sciendum est quod dominus de Dernle captus fuit in
 “ conflictu de Crevance apud Gallos, et uno lumine discolatus, et triginta Millibus Coronarum redemptus, et tantò
 “ carius appretiatus, quando cum rege Francorum specialius
 “ commendatus, hic ante hoc devicit Anglos sæpius, et semel
 “ apud Brosignere, ubi ceciderunt, 1200, &c. ille Johannes, Constabularius fuit Scotorum in Francia, qui fundavit notabile collegium Aurelianis in honore gloriosæ Virginis Mariæ, &c.” In the collection of treaties and negotiations between Scotland and France, preserved in the Advocates' Library, in Edinburgh; very honourable mention is made of Sir John Stewart, of Darnley, in a letter from Charles VII. dated 1422, in that letter he is styled, “ Joannem Stewart Comitem Embroicensem, et Dominum de Dernle, consanguineum nostrum, &c.” *Lettre du Roy Charles Septieme, &c. Traites entree la France et l'Ecosse*, p. 55.

In the public archives, at Edinburgh, there is a charter in Sir John Stewart's favour, of the lands of Torbolton, &c.
 lands

lands which had now continued in the possession of his family above a century. The charter is dated in the year 1423, and is witnessed by William Stewart, who, apparently from the manner in which he is described, was at that period hardly arrived at years of maturity, and in all probability was the son of Sir John Stewart, of Garlies and Dalwinton, and the same person who some years afterwards was designed Sir William Stewart, of Dalwinton, &c.

The Scotchchronicon dates the second embassy of Sir John Stewart of Darnley, to Scotland in the year 1425; but it is most probable, that it took place in the year 1427, for the object of it was to negotiate a marriage between Lewis, eldest son of Charles VII. king of France, and Margaret, eldest daughter of James I. king of Scotland, and that king's letters patent, dated at Perth, July 19th, 1428, mention the purport of the embassy and the terms of the marriage treaty.

In Ludovicus Micquellus's History of the Siege of Orleans, a copy of which is deposited in the British Museum, a very circumstantial detail is given of Sir John Stewart's conduct at the siege of Orleans, and in page 62 of that work, the following account is given of his death. "In eo prælio
 " ceciderunt ex Francis quadringenti et amplius homines, atque
 " in his paulo clarioris nominis Aleburtus Orevallus, *Gulielmus*
 " *Stuardus*, &c. et vir fortissimus Joannes Stuardus, amplissimo,
 " genere natus; hic cum fratri intercluso ab hostibus auxilium
 " ferret illum ex periculo cripuit ipse vulneratus, quoad potuit
 " fortissime resistit; cum circumventus multis vulneribus ac-
 " ceptis cecidisset, atque id frater, qui jam prælio excefferat,
 " procul animadvertisset, citato pede, sese hostibus obtulit,
 " atque interfectus est."

He must have been at this period considerably advanced in years, for his second son succeeded him in the honours and estate of Aubigne, in the year 1430. Crawford's *Officers of State*, p. 336. And his grandson, about the year 1439, was of mature age, and succeeded to the honours and estates of the House of Darnley, in consequence of the violent death of his father, Sir Alan Stewart. The fame he had acquired in arms, and the important negotiations with which he was entrusted, and the esteem with which he was regarded by the king of France, may be considered as proofs of mature years, and confirmed experience. The circumstance of his having erected a college at Orleans, as has been mentioned, dedicated to sacred purposes, may be considered as an additional proof of his advanced age; these are not usually the actions of youthful personages. He is first mentioned in the year 1383, and if he was at that period only in his one-and-twentieth year, he must have been at least sixty-seven at the time of his death, at the siege of Orleans, in 1429; but if he be supposed to have been in his twenty-sixth or twenty-seventh year, when first mentioned in 1383, this will make his age seventy-two or seventy-three at the time of his death in 1429, nor does the whole of his history, the many important actions attributed to him, and the ages of his children and grandchildren appear consistent with a life of much shorter duration. No solid objection can be raised against this hypothesis, from a representation of so advanced an age, as incompatible with the arduous duties of the field; many instances occur in history, of military characters at a still more advanced period of life, engaging in enterprizes of more difficulty and danger. Waller
Stewart,

Stewart, Earl of Monteith, commanded a select body of men, and entered England on a marauding expedition, in his seventy-fifth year, Symson's Stewarts, p. 47. Many instances might be adduced of a more modern date, of the splendid fame acquired by veteran commanders in the field of battle, even in their eightieth year. It was said of Marshal Scomberg, for example, when wounded at the passage of the Boyne, that he had been personally engaged in more than eighty battles, and that a catalogue of his conflicts with the enemy would equal the number of his years.

But it is not intended to insist on Sir John Stewart's advanced years, when engaged in the battle of Harans; let the various accounts given by different historians, be carefully examined, and let the most probable be adopted, and it will appear that Sir William Stewart, of Jedworth, must have been at least his contemporary. The evidence produced to prove, that these two personages were brothers, will likewise acquire a considerable degree of confirmation, from an impartial review of every authentic account given of Sir William Stewart. He is first mentioned in the year 1385, and a detail is preserved in Rymer's *Fœdera Angliæ* of the disbursement of several sums of money remitted to Scotland by Charles VI. king of France, to subsidize the principal Scottish chieftains in that year, and a hundred *livres tournois* of that money are stated to have been paid William Stewart, "A GUILLE STEWARD," C. L. T. Rymer's *Fœdera*, Vol. VIII. p. 485.

In the public archives at Edinburgh, a charter is preserved, dated at Linlithgow, July 2, 1385, granted by king Robert II. to William Stewart, of Jedburgh, or, as he is there described, *dilecto et fidelissimo nostro Wilhelmo Stewart de Jedworth*, of the
lands

lands of Synlawys, in the barony of Oxynham, in the county of Roxburgh. It is probable, that at this period, Sir William was scarcely arrived at years of maturity, for it appears from the manner in which his name is mentioned in the charter, that he had not yet received the honour of knighthood, an honour in so much request in that age, that few young men, possessed of influence to obtain it, and of years to receive it, would have been contented to continue long destitute of it.

Sir John Turnbull, of Minto's charter, in his favour, in the year 1390, or 1391, has been already mentioned. In that deed he is styled *Dominus Willielmus Senescallus de Jedworth, Miles*; it is evident, that sometime previous to the date of this charter, he must have been invested with the honour of knighthood.

On the 27th of March, 1392, Sir William Stewart had a royal grant, which proves he was then in great favour, and had highly distinguished himself in the service of king Robert III. for he then had a gift of forty-marks sterling, as a reward of his loyalty, attachment, and meritorious conduct towards the king and his eldest son, David, Earl of Carrick, and Duke of Rothsay, "*dilecto et fideli nostro Willielmo Senescallo de Jedworth, Militi, pro servitio suo, et speciali Reverentia sua, nobis, et David Senescalli primogenito nostro,*" dated at Perth, March 27, 1392.

Richard the Second, king of England, granted letters of safe conduct to the ambassadors from Scotland, who had been commissioned by the king of Scotland to meet with the English ambassadors, to adjust the terms of a truce; these letters are dated October 30, 1394, and are published in Rymer's *Fœdera*, Vol. VII. p. 785. The ambassadors were the Earl of Carrick,
the

the Earl of Douglas, Sir William Stewart, of Jedworth, Knight Banneret, &c.

Knights Bannerets were a superior order of knights generally created under the royal standard, on the field of battle, as a reward for some gallant action; knights bannerets at that time, usually ranked as barons.

The contract into which Sir William Stewart entered, October 17, 1396, with Sir Walter Stewart, of Dalswinton, hath been already often mentioned. The manner in which both parties engaged, that the son of the one should marry the daughter of the other, may be considered as a proof, that the youthful couple were not of mature years, for they do not appear to have been consulted, nor do they either sign or witness the contract. No fair argument can therefore be founded on this transaction, to prove that Sir William Stewart was of greater age than Sir John Stewart, of Darnley, who had been probably married about the year 1385; for the son of Sir William Stewart, from several circumstances that appear in his future history, seems to have been very young at the time when he was affianced to Marion Stewart, of Dalswinton, in the year 1396, and the son of Sir John Stewart, who had an heir that succeeded him soon after the year 1429, could not at that period have been much younger. And had the time of their marriage or the ages of their sons been different, (which it is apprehended they are not,) it could form no insurmountable obstacle to their having been brothers. In most families, the order of primogeniture is not always observed in forming matrimonial alliances, a younger brother may be a father, while the heir of the estate may remain unmarried. But even this objection, inconsiderable as its weight appears, can have little force

force on this occasion, for the sons of Sir John Stewart, of Darnley, and Sir William Stewart, of Jedworth, were in all probability cœval, though the son of the latter died at an early age, or lost his life prematurely in the French expedition. Their grandsons were evidently contemporaries. For it appears from authentic deeds in the possession of Lord Minto, that the grandson of Sir William asserted his claim to the estate of Minto, in the years 1438, and 1439, when the grandson of Sir John succeeded to the estates of the House of Darnley; and it is recorded in the Parliamentary Register of Scotland, 1478, that the grandson of Sir William had a contest with the Abbot of Jedworth, relative to lands in the vicinity of that monastery, about the same period that the grandson of Sir John Stewart, of Darnley, asserted his title to the peerage of Lennox.

Rymer's Fœdera, Vol. VIII. p. 35.

An indenture, entitled, *Indentura Treugarum Scotiæ, &c.* was made at Haudenstank, on the 16th of March, 1398, and is published in Rymer's Fœdera, Vol. VIII. p. 35, between David, the eldest son of the king of Scotland, Earl of Carrick, and commissioner, deputed by the king of Scotland, on the one part, and John, son of the king of England, duke of Guienne and Lancaster, commissioner, deputed by the king of England, on the other part, &c. in which indenture it is stated, that the commissioners had empowered their deputies, Monsieur William Lindsay, *William Steward*, Joan de Romergny, Chevaliers, and Adam Forrester, &c. to adjust the terms and conditions of a truce between the two neighbouring kingdoms.

In Rymer's Fœdera, Vol. VIII. p. 54, there are likewise minutes of a convention, holden at Haudenstank, on the 26th of October, 1398. This convention respected the arrangement of ransoms,

ransoms, and the enlargement of prisoners taken in the course of different excursions on the borders, and the Earl of Douglas, warden of the middle march, nominated as sureties for the due observation of the conditions of the treaty, on his part, Sir Richard Rutherford, *Sir William Stewart*, Knights, Walter Scott, Thomas Turnbull, and Robert of Lauder.

On the 28th of October, 1398, there was a convention holden betwixt Sir William of Borthwick, Sir John of Romergny, Knights, and Adam Forrester, commissioners of a high and mighty Prince, the king of Scotland, and Sir John Bussie, Sir Henry Græme, Knights, Master William Fereby, clerk, and Lawrence Drew, Esq; Commissioners of a high and mighty prince, the king of England, &c. Rymer's *Fœdera*, Vol. VIII. p. 54. In this convention, a complaint is represented to have been preferred by Sir Philip Stanley, against the son of the Earl of Douglas, and several others, particularly *Sir William Stewart*, then present in the Convention, stating, that previous to the expiration of a truce established between the two kingdoms, they had broken down the bridge, demolished the walls of Roxburgh, attacked the town, and set the hay and fuel of the inhabitants on fire, to their loss and detriment of two thousand pounds. Sir William being called upon to justify his conduct, replied, that as to destroying the bridge, and consuming the forage, his chief (meaning Archibald, son of the Earl of Douglas,) avowed that it had been done by his direction from a conviction, that as they were the property of Scotsmen, it might be done without any violation of the truce. But whether this action was in all respects justifiable, he would not presume to determine, that it should be referred to the Lords Commissioners, and if they should concur in their dis-

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approbation

approbation of it, that due compensation should be made. That with regard to the demolition of the walls, and the injuries offered the town of Roxburgh, it was the natural effect of the unruly disposition of a turbulent soldiery, and as much regretted by his chief, as it was censured by the commissioners, and that he would be found as ready to give satisfaction, and to make every possible restitution, as he was known to be averse from giving unnecessary offence, or from committing unjustifiable violence. The final determination of this dispute was referred by the deputies to the principal commissioners, and every thing seems to have been amicably arranged. For the establishment of the proposed truce was not interrupted; the Earl of Douglas was nominated guarantee, and Sir William Stewart one of the conservators of the peace, of the Western borders of Scotland. Rymer's *Fœdera*, Vol. VIII. p. 54.

Another convention was holden at Lochmaban, November the 6th, 1398, Rymer's *Fœdera*, Vol. VIII. p. 58, 59, between Sir William of Borthwick, Knight, and Richard of Gordon, Esq; commissioners on the part of the king of Scotland, and Sir John Bussie, and Sir Henry Græme, Knights, Mr. William Fereby, clerk, and Lawrence Drew, Esq. commissioners on the part of the king of England. At which convention it was agreed that the truce should be continued, that the prisoners taken on either side should be gratuitously liberated, and that the ransoms paid by such as had already been set at liberty should be faithfully restored to them, for the due observation of which articles, Sir John of Johnston, Sir John of Carlisle, *Sir William Stewart*, of Castlemilk, Knights; Harbart, of Corry, John of Carruthers, John of Glendonwyne, Simon of

of Glendonwynne, Nichol Lital, Alexander Armystrong, Geoffrey Armystrong, Davy Armystrong, and William Nickson, were sureties for the Earl's Bounds of Douglas, for the West March of Scotland. It will appear evident from due attention to the preceding articles recorded in the *Fœdera*, that Sir William Stewart's name frequently occurs in deeds of the utmost importance, and on occasions of the greatest solemnity, without any additional title, and that he was as well known when only named in that manner, as if he had been distinguished by the appellation of de Jedworth, or by the most circumstantial description. Little doubt can be entertained, as it was customary for proprietors of land to assume their titles occasionally from different parts of their estates, that it was Sir William Stewart, of Jedworth, who designed himself *de Castle-milk*, when appointed conservator of the peace on the Western Borders, because that part of his property lay in that district. This circumstance is insisted upon, and supported by many forcible arguments, by George Crawford in his manuscript history of the Stewarts of Dalswinton. Many other transactions in which Sir William Stewart was concerned, are recorded in Rymer's *Fœdera*, and other authors, but only such passages are cited here as appear necessary to illustrate his history, to demonstrate the period in which he lived, and the characters with whom he was connected.

The truce that had been established between Robert III. king of Scotland, and Richard II. king of England, expired about the conclusion of the year 1399, or the beginning of 1400, nearly at the time when Henry IVth mounted the English throne. The Scots, freed from restraint, made several

incursions on the borders of England, took and demolished the castle of Wark, and committed great devastation. While they were thus depopulating the vicinity of Coquet-dale, they were suddenly attacked by Sir Robert Umfraville, superior Lord of that district, at a place called Fulhoplaw, in which severe conflict Sir Richard Rutherford and his five sons were taken prisoners, as were *Sir William Steward*, John Turnbull, surnamed, *Out with the Sword*, and many others.

Hardinge, who was present on this occasion, gives in his rhythmical chronicle, the following account of this transaction :

“ And whyles that Parliament so did endure,
 “ The Scots rode by North, and fore had froyed,
 “ In Cokedale then where Umfreville had cure
 “ That with them faught, and had them fore annoyed,
 “ At Fulhaplawe on fote he them acloyed,
 “ For there he toke Sir Richard Rutherforde,
 “ His sonnes five, ful fel of dede and worde,
 “ *Sir William Stewarde* also he toke
 “ *The Lord of Gordoun* he put to flight ;
 “ And Willy-bard the field he there forsoke,
 “ And prissoners brought home wel mo at night
 “ Than he had men with him the felde to fight
 “ For which the kyng him had ay after in cherté
 “ Considering well his knightly aperté !”

Harding's Chronicle, folio 198, chap. 198.

Harding

¹ Vide Ridpath's Border History of England, p. 367, &c.

² Vide Rymer, Vol. VIII. p. 55.

Harding was himself present in most of the battles he describes, and what he relates is from his own observation, "which letters I saw, (he remarks on another occasion,) in the castle of Warkeworth, when I was constable under my lord Sir Robert Umfraville, who had that castle of king Henry's gift, by forfeiture of the Earl of Northumberland." Harding, p. 201, Ridpath's Border History, p. 372. The account of the battle of Fulhoplaw, as given by Harding, and credited by Ridpath, is confirmed by the unquestionable testimony of the author of the *Fœdera Angliæ*. Henry IV. when informed of Umfraville's success, issued immediate orders that none of the prisoners should be ransomed or released. A copy of the letter signed by the King at Westminster, and dated October 30th, 1400, may be seen in Rymer, Vol. VIII. p. 162. "The King to his beloved cousins, Henry, Earl of Northumberland, and Henry Percy, his son, &c. We command you, that you give directions to the captains and others, that lately took prisoners in battle; Richard Rutherford, Knight, and his sons, John Turnbull, surnamed *Out with the Sword*, and other commanders and leaders of Scotsmen in arms, that they by no means set them at liberty, &c." In Vol. VIII. p. 388, of the same work, there is an article relative to the Scots prisoners, where William Graham, Lord Kyncardyn, John Styward, Lord Lorn, William Borthwick and Adam Forster, have letters of safe conduct to come to England to arrange certain affairs, respecting the state of the Scots prisoners, two of whom only, the Earl of Fife, and the Earl of Douglas are mentioned. It is extremely probable, tho' he is not named, that Sir William Stewart, of Jedworth, was among this number. For Ridpath, in his *History of the Borders*, p. 377, observes at a subsequent period, "that

“ that many of the Scots prisoners taken at the battle of Hoo-
 “ mildon (and it may be presumed, at the battle of Fulhop-
 “ law, which almost immediately preceded it) and Shrewsbury
 “ had been ever since detained in England.” In Rymer’s
Fœdera, Vol. IX. p. 5. there is a warrant, addressed by King
 Henry V. to the Constable of the Tower, *Rex Constabulario*
Turris Sue, &c. 1413, directing him to set at liberty all the Scots
 prisoners in his custody, and it is remarkable, that some of the
 expressions used on this occasion, relative to the prisoners, are
 almost verbatim, the same with those used in Vol. VIII. p. 162,
 with regard to the Scots prisoners taken at the battle of Ful-
 hoplaw, in the year 1400. It appears not improbable, that it was
 on this occasion that Sir William Stewart obtained his liberty.

About this period there is a charter by Archibald, Earl of
 Douglas, Lord of Galloway, and Annandale to John de Park,
 and his wife Janet Chisholme, of the lands of Gilbertfield, in
 the barony of Drumsfargart, in the shire of Lanark. The wit-
 nesses are Dominus Willielmus de Haya, de Loucherwart,
 Willielmus de Borthwick de eodem, *Willielmus Senescalli de*
Castlemilk, milites, consanguinei nostri dilecti. This deed was
 executed at the castle of Bothwell, as is generally supposed
 from the names of the witnesses, and other circumstances, about
 the year 1415, or 1416.

The *Willielmus Senescalli de Castlemilk* mentioned on this
 occasion, has been thought by some to have been Sir William
 Stewart, of Jedworth, who now resided on, and took his desig-
 nation from, that part of his estate, while others are of opinion,
 that it must have been his second son, Sir William Stewart,
 junior, of Castlemilk. This charter was long in the possession
 of the celebrated antiquary, Hamilton, of Wislaw, and was
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by him presented to Sir William Stewart, of Castlemilk, the father of Sir Archibald, about the year 1710, on the supposition that one of the witnesses mentioned in it, was one of the ancestors of the Castlemilk family. . . . It has since been deposited in the Charter Chest of Castlemilk. . . . Vide History of the Stewarts of Garlies, p. 14, MS. *penes Comitem de Galloway*. In the appendix to Nisbet's Heraldry, p. 254, another deed of uncertain date, by Archibald, Earl of Douglas, is cited, wherein *Willielmus Senescalli* is a witness, who, it is imagined, must have been Sir William Stewart, junior, of Castlemilk. To settle the date of this deed, another charter is quoted, of which it is observed, " This deed is dated 1411, and goes so far to clear the date of the former charter, which charter I have seen under the hand of the celebrated antiquary, Mr. David Symson, historiographer for Scotland, taken out of the Earl of Galloway's Charter Chest," from which observation it is natural to suppose, from Nisbet's testimony, that the charter seen in the possession of Hamilton of Wilshaw, and witnessed by Sir William Stewart, of Castlemilk, had originally been taken out of the Earl of Galloway's Charter Chest, which may be regarded as an additional presumptive proof, that Sir William Stewart, of Jedburgh, and Sir William Stewart, of Castlemilk, formed but one and the same person, and that he was one of the ancestors of the Earl of Galloway.

It is stated in Mackenzie's lives of eminent writers of the Scots nation, that Sir William Stewart embarked for France in the year 1419. " But notwithstanding this, the Scots being no ways afraid of them, (observes that author) sent over to France seven hundred well armed men, to the great comfort of the Dauphin, King Henry's mortal enemy; amongst those
" who

“ who commanded these seven hundred men were the Earl of Buchan, and his brother Robert, sons to the Governor of Scotland, the Earl of Wigtown, Alexander Lindsay, brother to the Earl of Crawford, Sir John Swinton, Sir WILLIAM STEWART, Sir William Douglas, Sir John Turnbull, Sir Robert Lisle, Sir William Cunninghame, Sir Alexander Meldrum, Sir William Hume, Sir John Balgovey, Sir William Lisle, Sir John Haliburton, Sir John Crawford, Sir William Kennedy, Sir John Gray, Sir John Coming, Sir Robert Boice, Sir Archibald Forbes, Sir Duncan Cunninghame, Hugh Kennedy, and many other persons of note, and known valour.” Mackenzie’s Lives, Vol. I. p. 363.

Should it be objected, that Mackenzie’s testimony is not sufficient evidence to prove Sir William Stewart’s embarkation for France, it may be answered, that as there are satisfactory proofs on the one hand, that he was a native of Scotland, and on the other, that he served in France, very slender evidence would be sufficient to substantiate (and Mackenzie is quoted to prove nothing else) his having gone over thither, for if he did not visit the French territories, how came he to distinguish himself in that kingdom?

Soon after Sir William Stewart’s landing in France, it appears that he received considerable sums of money to defray the expences of the expedition, for, in an extract made from the books of the Chambre de Comptes, at Paris, it is recorded that *on the 20th of December, 1421, William Stewart, Esq. and seventeen other Esquires, received 288 livres Tournois*, and that opposite the name of William Stewart, the words, “ *Brother of Sir John Stewart, of Darnley, Constable of Scotland,*” are written; and in another extract from the same book, it is stated, that

that, "in the year 1423, William Steward, Esq; of Scotland, brother to the Constable, received 200 *livres Tournois*."

That the Sir William Stewart, mentioned in the catalogue of Scots commanders, cited from Mackenzie, and from other authorities, was the same person who had been so long imprisoned in England, may be proved from a passage in Hall and Grafton, "the captains whereof were, Charles of Clermont, son to the Duke of Bourbon, then being a prisoner in England, Sir William Stewarde, Constable of Scotland, a little before delivered out of captivity." Hall Henry VI. folio 24. A sentence much to the same purport, might be cited from Hollinshed's Chronicle, p. 600. The historians of this period give a particular account of several remarkable transactions, in which Sir William Stewart was concerned. "In this very season, 1424, the Dolphyn sent Lord Willyam Stuard, Constable of Scotland, and th' Erle of Ventadore, in Auvergne, and many other nobles of his part to lay siege to the Town of Cravant, in the countie of Auxerne, within the parts of Burgony," &c. Hall and Grafton, Henry VI. 2d, folio 111. It should be recollected, that in the language of that age, Constable implied commander, and Constable of Scotland often only commander of a body of military men raised in Scotland. The mention made of the Duke of Bourbon, *then a prisoner in England*, and the immediate transition to Sir William Stewarde, *a little before delivered out of captivity*, evidently alludes to the latter's imprisonment in that kingdom, as has been already stated, for the word *captivity*, in the language of that period, signified *long confinement*, and evidently corroborates

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... "Archibald, Earl of Douglas, as yet remaining *captive* in England," &c. Hollinshed's Chronicle, ad annum 1408.

the account given of Sir William Stewart's imprisonment in the Tower of London, for twelve or thirteen years.

About this period, the fatal battle of Vernueil was fought, when Sir John Turnbull, and two hundred gentlemen, besides an immense number of soldiers, were killed or taken prisoners. Vide Trussell's Life of Henry VI. p. 124. Hall and Grafton gives the following account of some of the most remarkable events that preceded and attended the celebrated battle of Harans, during the siege of Orleans, in the year 1429. " In
 " the tyme of Lent, vitayl and artillery began to grow scant in
 " the Englyshe armye, wherefore th' Erle of Suffolke appoint-
 " ed Sir John Fastolfe, Sir Thomas Brampton, and Sir Philip
 " Hal, with their retynewes to ryde to Paris to the Lord
 " Regent to inform him of their scarcenefs and necessitie,
 " whyche beyng thereof informed, wythout any delaye or pro-
 " longing, provyded vitayle, artillery and municions necessary
 " and convenient for so greate an enterprize, and laded there-
 " wyth many chariotts, cartes and horses, and for the sure con-
 " duyte and safeguard of the same, he appointed Sir Simon
 " Morhier provost of Paris, with the guard of the citie, and di-
 " verse of hys own household servantes to accompany Sir John
 " Fastolfe and complices to the army, lying at the Seige of Or-
 " leans, the which departed in good order to the number of V
 " hundred men of war, and when they came to Genuelle, in
 " Beauffe, and in the morning earlie, in a great frost, they de-
 " parted from thence towards the siege, and when they came to
 " a town called Rouvraie in the lands Beauffe, they perceived
 " their enemies coming towards them, being to the number of
 " nine or ten thousand of Frenchmen and Scots, of which were
 " captains, Charles of Clermont, son to the Duke of Bourbon,
 " then

“ then being a prisoner in England, Sir William Steward, Con-
 “ stable of Scotland, a little before delivered out of captivity,
 “ the Earl of Perdrake, the Lord John Vandosme, the Vidame
 “ of Chartres, the Lord of Toures, the Lord of Lohar, the
 “ Lord of Eglere, the Lord of Beavien, the Bassard Tremouille,
 “ and many other valiant captains. In this conflict were slain,
 “ the Lord WILLIAM STEWARD, Constable of Scotland, and
 “ his brother, the Lord D’Orvalle, the Lord Chateau Briam,
 “ Sir John Bragot, and other Frenchmen and Scots, to the
 “ number of five and twenty hundred, and above eleven hun-
 “ dred taken prisoners, although the French writers affirm the
 “ number less.” In the common language of this period,
¹ *constable* was often used for *commander*, and *constable* of Scot-
 land meant *commander* of a body of troops, natives of Scot-
 land. In Hay’s MSS. in the Advocate’s Library, in Edin-
 burgh, Vol. III. p. 476, a passage is quoted from Symphorien
 Guyon’s History of Orleans, where it is observed, that WIL-
 LIAM STEWART, *brother to the Constable, entered into Orleans*
with a thousand well armed men, &c. This circumstance was
 sufficient to give rise to the expression made use of by Hall and
 Grafton, where, they speak of Sir WILLIAM STEWART (as con-
 stable) without supposing that he ever was nominated *Constable*
 of Scotland in the strict sense of the word in which his brother
 was. Father Daniel gives a circumstantial account of the memo-
 rable battle fought near Orleans in the year 1429, in which
 he asserts, that Sir William Stewart was slain, together with his
 brother Sir John Stewart, of Darnley. “ Ils allerent audevant

H 2

“ de

¹ “ He speaks of this Archibald Douglas, in 1384, as *Constable of Scotland*, by which
 “ he means a principal leader of the Scottish army.” Lord Hailes, *Annals of Scotland*,
 Vol. III p. 264 8vo. edit.

“ de Fastol le Douzieme de Fevrier, et le recontrerent a
 “ Rouvroy St. Denis, le General Anglois n'avoit que deux mille
 “ cinque cens hommes, et rangea ses troupes derriere ses cha-
 “ riots, on les attaqua d'abord avec le canon, et si on avoit con-
 “ tinue de la sorte en brisant leurs chariots qui leur servoient
 “ de Retranchemens ils étoit perdus, mais l'impatience de Jean
 “ Stuart Connetable d'Ecosse, et de GUILLAUME son Frere
 “ fut Cause du Malheur qui arriva. Ils crierent qu'il étoit
 “ temps de donner, et s'étant mis a pied avec leurs Ecossois, ils
 “ marcherent a la Breche. Les François, furent obliges de les
 “ suivre, mais les Archers Anglois les ayant laisse approcher
 “ firent leur decharge de fort près, et abbatirent beaucoup
 “ de ceux qui étoient aux premiers rangs. Fastol ayant fait en
 “ même temps avancer quelques bataillons, l'epée et la hache a
 “ la main, firent reculer les assailans, fort loin. La Ca-
 “ valerie qui devoit soutenir l'attaque, au lieu de faire ferme,
 “ voyant pousser vivement l'infanterie, se mit en fuite, les
 “ Anglois poursuivirent les fuyards jusqu' a l'entree deroute,
 “ Ile demeura cinq ou six cens, tant François qu' Ecossois sur
 “ la Place. Les deux Stuarts porterent la peine de leur im-
 “ prudence, ils furent tuez avec plusieurs auteurs Seigneurs
 “ et gentilhommes,” &c. Daniel's History of France, Vol. IV.
 p. 297. “ Le Commetable d'Ecosse, et le Sire d'Orval mirent
 “ pied a terre pour combattre,” &c. Montfaucon, Vol. III.
 p. 201.

Buchanan in his History of Scotland, gives a very circum-
 stantial account of the different events attending the memorable
 battles of Vernueil, and of Orleans, but differs in some in-
 stances from most contemporary historians. He represents
 the conflict at the Siege of Orleans as having happened
 within

within three years of the celebrated engagement at Vernueil.
 “ Biennium fere post, Anglis ad Vernolium Victoribus, cæsi
 “ fuerunt e primoribus comites Buchaniæ et Duglassiæ, hic dux
 “ Turonensis, ille magister equitum Gallorum. Item Jacobus
 “ Duglassii filius, Alexander Lindefius, Robertus Stuartus,
 “ Thomas Swintonius, ac e vulgo militum supra duo Millia,
 “ post hanc fere triennio, altera clades insignis Scotorum
 “ Auxilia graviter afflixit, cum Commeatum Aureliam por-
 “ tantes Anglos in iunere aggressi in Belfia infelicitè pug-
 “ narent. Qua in pugna cæsi sunt e Scotis viri clari GULIEL-
 “ MUS STUARTUS cum fratre, ac Duglassiæ gentis duo equites
 “ insignes, quorum posterì in Nithia Drùmlanricium, alterius
 “ in Fife arcem Lactis opulentoque circa agros adhuc tenent.”
 Buchanan, folio 108. Edit. 1582. Father Hay, in his genea-
 logical collections already quoted, gives a very satisfactory
 account of Sir John Stewart, of Darnley, and of his brother,
 Sir William Stewart, “ John Stewart, Lord Darnley, was sent
 “ to France with the Earls of Buchan and Wigtown to assist
 “ the French king, and after the death of these two Earls, at
 “ Vernueil, 1424, was made commander of the Scots forces in
 “ France, amounting to 10,000 men. The History of Orleans,
 “ written by Symphorien Guyon, tells us that the Scots fought
 “ valiantly, under John Stewart, Constable, to whom the king
 “ gave the Lordship of Aubigny, in Berry, in 1427. The same
 “ author speaks of WILLIAM STEWART, brother to the Con-
 “ stable who entered into Orleans with a thousand well-armed
 “ soldiers, and fought the English in 1429, at the battle of Ha-
 “ rangues, the Constable and his brother William were killed,
 “ their bodies were brought to Orleans, and buried in the ca-
 “ thedral.”

“thedral.” Vide Hay's MSS. in the Advocate's Library, Edinburgh, Vol. III. p. 476.

Several other authors agree in the essential parts of this account, and all of them, whether Scots, English, or French, concur in every material circumstance, related of Sir WILLIAM STEWART, the brother of Sir John Stewart, of Darnley, and record several particulars with respect to him, in so clear and consistent a manner, that if the whole narrative, as detailed by different authors, at different periods, be duly examined and impartially considered, the actions attributed to him, and the facts related of him, will so evidently appear to be those of Sir William Stewart, of Jedworth, that no doubt can be entertained of the identity of the person intended to be described, however variously represented; and the concurring testimony of all credible authors, attributing to Sir William Stewart, the brother of Sir John Stewart, of Darnley, actions so similar in their nature, and so correspondent in point of time, with those recorded of Sir William Stewart, of Jedworth, tends to place in the clearest and most favourable point of view, the evidence adduced to shew that he was not only the contemporary, but the brother of Sir John Stewart, and consequently the son of Sir Alexander Stewart, of Darnley.

Presumptive

*Presumptive Proofs arising from the Accounts given
of Archibald, Earl of Douglas, and Sir John
Turnbull.*

WHEN any doubts arise in consequence of a resemblance of names, or similarity of pursuits, relative to the identity of persons whose history cannot be satisfactorily investigated, they often may be distinguished by the accounts given of the persons with whom they were accustomed to associate; *noscitur a sociis*, is a rule on such occasions often had recourse to with success. The connection subsisting between Sir William Stewart, of Jedworth, and Archibald, Earl of Douglas, has been already observed. He had from him, “a charter of the lands “of Abercorn, and the castle thereof,” on the most honourable tenure. Vide Harl. MSS. in the British Museum, No. 4609. It has likewise been observed, on the authority of Rymer’s *Fœdera*, Vol. VIII. p. 54, that Sir William Stewart, of Jedworth, attended Archibald, the son of, and afterwards, the Earl of Douglas, in his attack on the town of Roxburgh, in the year 1398. The Earl of Douglas was taken prisoner at the Battle of Shrewsbury, 1403, and as some writers affirm, detained eight or nine years in England. Hume’s History of the House of Douglas, Vol. 1st. p. 224, 225. It appears from Rymer’s *Fœdera*, Vol. VIII. that he was confined for some years in the Tower of London. “Archibald, Earl of Douglas, “as yet remaining captive in England, after he had the knowledge of king Robert’s death, (to wit, five years after this at
“least,

“least, by his own account) made shift to agree for his ransom, “and so being at liberty, returned with all speed, now at length “into Scotland.” Hollinshed’s Chronicle, ad annum, 1408. The Earl of Douglas went to France about the year 1422, attended by ten thousand men, according to Hollinshed, and was created Duke of Touraine in that kingdom; and in the year 1424, lost his life at the memorable Battle of Vernueil. “These “arose some strife for the vanguard betwixt them, which made “things to be so confusedly handled, that the English got the “victory, slew the Duke, Buchan, Sir Alexander Lindsay, “Robert Stewart, and Sir John Swinton, with above two thousand others of all sorts.” Hume, *ut supra*. The facts related of Sir William Stewart, of Jedworth, the actions attributed to him in common with the Earl of Douglas, in the earlier part of his life, his having been taken prisoner by the English, the embarkation of a Sir William Stewart for France, and his achievements in the French service at the same period, when the Earl of Douglas commanded the Scots forces in that kingdom, evidently tend to prove, that it must have been Sir William Stewart of Jedworth, who closed before Orleans the military career, which he had begun in Scotland, under the auspices of the Douglas family, and who, by the united testimony of all the Scots, French, and English historians, is represented as the brother of Sir John Stewart of Darnley. It seems scarcely credible, without more decisive evidence, that the Sir William Stewart, who shared with the Earl of Douglas in the toils and dangers of his youth, should be a different person from the Sir William Stewart, who, with the same address, and intrepidity, assisted him in his riper years, to reap the laurels acquired in the French wars.

The

The same observations are applicable to the account given of Sir John Turnbull, he is first mentioned in the year 1391, when he conferred, by a charter still extant, the lands of Minto, on his *nephew* or *grandson*, Sir William Stewart, of Jedworth. He was engaged at the same period with Sir William Stewart in several transactions on the borders. He was taken prisoner with him at the Battle of Fulhoplaw, 1400; and he is particularly mentioned, in Rymer's *Fœdera*, among the prisoners taken on that occasion, and whom king Henry directed to be kept in custody, and by no means to be ransomed, or set at liberty. *¶ Vobis et alteri Vestrum Mandamus, firmiter injungentes quod Capitaneis et aliis qui Ricardum Rotherford, Militem et filios ejus, ac JOHANNEM TOUNBULL, Out with the Sword, et alios Capitaneos et duces hominum ad arma de Scotia nuper de guerra ceperunt, jubetis, ut custodiant, et custodiri faciant, sub fœmsactura omnium quæ nobis foris facere poterant.* Rymer, Vol. VIII. p. 162. From the account given by Ridpath, in his *History of the Borders*, and in Harding's *Chronicle*, already quoted, it appears that Sir William Stewart was among the prisoners alluded to on this occasion, and from the passage that has been cited from Rymer, relative to the liberation of the Scots prisoners from the Tower of London, in the year 1413, it seems evident, that Sir John Turnbull, as well as Sir William Stewart, obtained their liberty on that occasion. They are both mentioned among the Scots commanders, who, with their troops, embarked for France, in the year 1419. Some of the principal veteran officers, who led the Scots forces on this occasion, according to

Public Records, Roll ix. No. 23.

^a Or *nephew*, or *grandson-in-law*, for the expression, used in this Charter, will admit of either of these constructions.

Mackenzie, were "Sir William Stewart, Sir John Turnbull, Sir William Douglas," &c. Mackenzie's Lives, Vol. I. p. 363. Sir John Turnbull was slain in the year 1423, at the Battle of Cravant; he is mentioned by several French and English historians among the Scots chieftains, who fell on that memorable occasion, and in a paper preserved among the Harl. MSS. in the British Museum, No. 782, a list is given of the Scots slain and taken prisoners, at the Battle of Cravant, among whom occur the names of "Sir John de Saint Johnston, Sir John Balgouny, SIR JOHN TURNBULL, Gwillim Douglas, Esq," &c. It seems hardly probable, from these authorities, that Sir William Stewart of Jedworth, who acted in conjunction with Sir John Turnbull in the earlier part of his life, should prove a different person from the Sir William Stewart, who distinguished himself at the same period with him in the French service, and who, on the clearest evidence, and the concurrent testimony of all authors, is demonstrated to have been the brother of Sir John Stewart, of Darnley.

Proofs arising from the Account given of Sir William Stewart's Family.

IT is asserted by Crawford, in his History of Renfrewshire, p. 92, that Sir John Stewart, the eldest son of Sir William Stewart, was killed at the battle of Vernueil, in the year 1424. and almost all writers of any credit, who have had occasion to mention the subject, represent him as having attended Sir John Stewart of Darnley, in his expedition to France, in the year 1419. The following is the account given of this family, by Sir Robert Douglas, in his baronage of Scotland.

“ Sir William Stewart, of Jedworth, or Jedburgh, who succeeded him, and was afterwards designed of Castlemilk, which has ever since continued to be one of the chief titles of his posterity.

“ This Sir William, who, according to Mr. Crawford, is, in some deeds, called ¹ cousin to Darnley and Garlies, made a great figure in the reign of king Robert II. and received a 100l. of 40,000 francs that were sent by the king of France to be divided amongst his friends in Scotland.

“ He had issue, two sons.

“ 1st. John, who married his cousin Marion, heiress of Dalchwinton, and was progenitor of the Earls of Galloway, &c. as appears by their Marriage contract, anno 1396.

“ 2d. William,

¹ He was related to the old branch of the Stewarts of Garlies, as descended from Sir John Stewart of Bonkill, their common ancestors; and if Sir William was the son of Sir Alexander Stewart of Darnley, he might, in old deeds, be called *cousin germain*, by the sons of the Stewarts of the first Sir John Stewart of Darnley.

“ 2. William, afterwards Sir William, who carried on the line
“ of the family of Castlemilk.

“ Sir John Stewart, the eldest son, succeeded to his father;
“ Sir William, before 1409, for in that year he, under the de-
“ signation of Sir John Stewart, of Castlemilk, is inserted as a
“ witness to the donation made by William Urquhart, of his lands of
“ Fulton, in the barony of Retfrew, to the monks of Paisley.

“ This Sir John was a man of a noble spirit, and great forti-
“ tude, he accompanied his cousin, Sir John Stewart, of
“ Darnley, afterwards Lord d'Aubigny, and Count d'Evreux
“ to the wars in France, where they performed many gallant
“ actions. He was at the battle of Beauge, anno 1421, where
“ Sir John Stewart, of Darnley, commanded the French and
“ Scots troops, in quality of a marshal of France; and Sir
“ John Stewart, of Castlemilk, having behaved in that action
“ with great spirit in an attack made upon the troops, com-
“ manded by the Duke of Clarence, the English general, he
“ got the motto AVANT, and the Sword in Hand as the crest
“ of his family afterwards, which continue to be used by the
“ house of Castlemilk at this day.

“ This Sir John Stewart was at last killed at the battle of
“ Vernueil, in France, anno 1424.”

DOUGLAS'S BARONAGE of Scotland, p. 514.

This account, if true, would tend considerably to corroborate the evidence that hath already been adduced, relative to Sir William Stewart, of Jedworth. If Douglas's testimony could be relied upon, his statement would confirm the proofs produced to shew that Sir William had two sons, Sir John, who married the heiress of Dalfwinton, and Sir William who carried on the Castlemilk line. It would likewise confirm the

account

account given of the close connection subsisting between the Stewarts of Jedworth, and Sir John Stewart of Darnley. But, unfortunately, Douglas, like other writers, abounds with many errors. And his account of Sir William Stewart and his family, is liable to many objections. Sir John Stewart could not have been present at the Battle of Beauge, nor could he have lost his life at the Battle of Vernueil, in the year 1424, for there is the clearest evidence that he was dead some time prior to the conclusion of the year 1420. His wife, Marion Stewart, having granted a charter of the lands of Garnfalloch, in the month of October in that year, in which she is represented, as at that period, in a state of widowhood, "*in pura Viduitate.*" But though there are some errors with regard to the occasions on which he distinguished himself, and the place in which he fell, the account given of his embarkation for France, and of the honour he acquired by his military achievements in that country, supported as it is, by the concurrent testimony of so many respectable authors, merits credit and attention. His disposing of the lands of Kelly in the year preceding the date of the French expedition, appears like an expedient adopted to enable him to bear the expence attending the equipment of himself, and his retainers, and the *crest* and *motto* still borne by the family, and the occasions which gave rise to them, as recorded by most genealogical writers, must be regarded as evident proofs of the truth of the story. A narrative founded on such testimony, is not hastily to be rejected, because it may be defective in its description of places, or erroneous in point of dates. The actions attributed to Sir John Stewart, may have

Public Records, Vol. V. cap. 2.

Charter chest of James Murray, Esq. at Kelly.

▪ Vide View of the Evidence for Lord Galloway, p. 24.

Rymer's Fœ-
dera, Vol. ix.
p. 795.

have happened, though not at the periods allotted to them in the narrative. Some of the early writers having stated, perhaps, that he had distinguished himself in one of the first battles fought after the Scots forces landed in France; succeeding authors, willing to appear more accurate, ventured to assert, that he had gained great credit by his conduct at the Battle of Beauge, as that was one of the first general engagements in which the Scottish troops displayed their valour after their arrival in that kingdom. But it appears from the authority of Rymer's Fœdera,* that the whole of the French coast in the English Interest had been generally alarmed at the approach of the Scottish forces. Dispatches had been sent to England requesting assistance. It is not probable, that the provinces, appertaining to the English, would tamely suffer themselves to be invaded. They might have defended themselves in many skirmishes, though none were fought that were deemed of sufficient consequence to merit being recorded in history. This is not vague conjecture. The Scotichronicon proves, as far as it's authority can be relied upon, that the troops under the command of Sir John Stewart, of Darnley, had been often engaged, prior to the Battle of Beauge, &c. for the writer of that chronicle, speaking of Sir John Stewart's conduct at the Battles of Beauge and Crevant, adds, "*hic ante hoc devicit Anglos sæpius, et semel apud Brosignere ubi ceciderunt, 1200,*" &c. If the forces, under the command of Sir John Stewart, of Darnley, were frequently engaged prior to the year 1421, it will

* "Les quels s'entrent aler de Bellyse enfore en Ecoffe, pour prandre Geans en ycelles, pour aler en France, doner secours au dit Daupin, contre le dit Notre Seigneur, le Roy," &c. Letter from the English provinces in France, to the British ministry. Rymer, Vol. IX. p. 795.

will not appear improbable, that Sir John Stewart of Dalswinton, who, according to some writers, fought under his standard, should have fallen in some of those earliest rencounters. The only material error in Crawford and Sir Robert Douglas's account, should that be admitted, would be, that they represent him as having fallen at the battle of Vernueil, instead of fixing the date of his death at a less advanced period. The two charters already cited, prove to a demonstration, that his demise happened between the years 1418, and 1420. The expedition to France occurred in the year 1419. Most authors, who have treated on the subject concur in their testimony of his having embarked for France, of the near relation in which he stood to Sir John Stewart of Darnley, of his having distinguished himself under his command, and of his having fallen in battle soon after the arrival of the Scottish forces in France. The evidence, therefore, if collectively taken, notwithstanding some trivial errors in point of date, amounts nearly to a positive proof of his having perished in battle, in France, soon after his arrival in that country. Especially as these circumstances are supported by the family tradition of the Stewarts of Castlemilk, which represent the *Crest* of the Sword in Hand, and the Motto, *Avant*, as having been accorded them, in consequence of the meritorious conduct of their ancestor, under the command of Sir John Stewart of Darnley. When that estate de-

volved

▼ A gentleman, eminent for his skill in history, and well versed in the antiquities of his country, (Scotland,) whose obliging and communicative disposition, the author of these sheets hath had occasion frequently to acknowledge, was pleased lately to make the following observation on this subject. "The contract of marriage, p. 20, proves that Sir John Stewart, ancestor of the Earl of Galloway, was the eldest son of Sir William Stewart of
"Jedworth.

volved on the younger branch, on the succession of the elder to the lands and barony of Dalswinton, the arms of Castlemilk naturally descended with it. Sir William Stewart, of Jedworth, according to the marriage contract of 1396, had reserved to himself the right of "*out taken xx pounds worth of land to his younger son*" (*or til his other son*, as 'tis expressed in the contract). The lands of Castlemilk, as appears by several deeds of that century, were rated at about forty marks, which amounts to pretty nearly the same sum. If Sir William was alive in the year 1420, agreeable to the evidence that has been adduced, it seems natural, that on the death of his eldest son, he should, in conformity with the terms of the contract, if it was not done at an earlier period, secure to his younger son the possession of the Castlemilk estate.

All that can be discovered of the age and character of Sir John Stewart, of Dalswinton, tends to confirm the history that has been given of Sir William Stewart, of Jedworth. In the year 1396, when the marriage contract already cited was executed, Sir John Stewart was evidently in his minority, for he is not considered in the deed as a party, neither is his name signed as a witness. It is probable, that at that period, he was not above eleven years of age. This appears, in a great measure, to be proved from the remarks that have been made—1st, relative to his own age; 2d, with respect to the age of his son; and 3d,

" Jedworth. The same Sir William being sometimes designed of Castlemilk, and that
 " estate having gon to his younger son after the eldest became Lord of Dalswinton, by
 " marrying the heiress of that family, seems to have given rise to the mistake, that the
 " Stewarts of Castlemilk were the eldest branch.

" It seems to be clearly proved, by the evidences adduced, that the Earl of Galloway is
 " the lineal and lawful representative of Sir William Stewart, of Jedworth."

3d, with regard to the age of his wife, Dame Marion Stewart, of Dalswinton.

1. The remark made relative to his own age is, that he is not mentioned as having taken a part in any transaction that proved him to have arrived at years of maturity, prior to the year 1409, when his name occurs among the witnesses to a charter preserved in the chartulary of Paisley. His ^a resignation of the lands of Kelly, was dated 1418, and is supposed to have been occasioned by the expences incurred in consequence of preparations for the expedition to France. He was dead before the end of the year 1420, as is evident from his widow's charter of that date already quoted, and he most probably fell, as has been stated, in one of the first battles in which the Scottish troops were engaged after their arrival in France. If he was in his eleventh year in 1396, he must have been of age some time, prior to the year 1409, and must have been then in his twenty-third year. This would make his age thirty-two in 1418, when preparing for the French expedition, and thirty-four in 1420, when, as it is supposed, he fell in the course of the first campaign, in France. It was customary in the fourteenth and fifteenth centuries, when alliances were formed in order to preserve extensive estates in particular families, to form matrimonial engagements before the parties had exceeded their ^r eleventh year, to solemnize the marriage as a matter of form, and defer cohabitation till a maturer period.

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2. With

^a Vide View of the Evidence, &c. p. 24.

* " Richard Percival, fifth of that name, his eldest son and heir, born in 1473, was " but NINE years old at his father's death, and notwithstanding his tender age, had been " already married." Collins's Peerage, Vol. VIII. p. 176.

Public Re-
cords Lib. ii.
cap. 116.

Lord Gallo-
way's Char-
ter Chest.

2. With respect to the age of his son Sir William Stewart, of Dalswinton, he is not mentioned till the year 1429, when in right of his grandfather, he took possession of the estate of Minto. For it is uncertain whether he is the person designed *Willielmus Senescalli Scutiferus*, as one of the witnesses in a charter by king James the 1st, to Sir John Stewart, of Darnley, of the lands of Torbolton, on his own resignation, in the year 1428. But on the supposition that he had arrived at years of maturity at this earlier period, it will fix his birth about the year 1407. This supposition is, in a great measure, supported by a charter of the lands of Glasserton, in the possession of the Earl of Galloway, dated October the 21st, 1479, from which it is evident, that Sir William Stewart of Dalswinton, and his wife Elizabeth, were alive at that period. As there is a reservation of a life rent in that charter in favour of Sir William Stewart, it is probable that he lived some time afterwards. His birth therefore cannot well be fixed earlier than 1407, which is eleven years after the date of the contract in 1396, stipulating that his father should marry the heiress of Dalswinton. If cohabitation was deferred till the parties were in their nineteenth year, and the son's birth occurred within the first twelve months, this would make the father's age only nine at the date of the matrimonial contract; if at the date of their first cohabitation the father had arrived at his one and twentieth year, it will make his age eleven at the date of the contract. Many other circumstances of the same tendency might be stated. The result of the whole enquiry, if minutely pursued, would be to demonstrate that Sir John Stewart must have been extremely young when affianced in 1396, to Marion Stewart,

Stewart, of Dalzwinton. That he was not of age is evident from the contract itself, wherein he is not considered as a party. And it is presumable from every view of the question that can be taken, that Sir William Stewart, of Jedworth's age, when entering into a contract with respect to the marriage of his son, was not so considerable as some genealogists have represented it.

3. With respect to the age of the wife Dame Marion Stewart, at the date of the contract, the same argument might be adduced to prove she was not of age, for she is not considered as a party, and her name does not occur as a witness; and every vestige of her history, that can be traced, seems to bear, at that period, the mark of youthful years. She appears, from a charter that has been cited, to have been a widow in the year 1420; and it is evident that some time before the year 1429, she was again married to Sir John Forrester, of Corstorphin. For in that year there is an INDENTURE of Donations to the cathedral church of Glasgow, which records a grant by Sir John Forrester of Corstorphin, of the church of Kirkmachoe, to be erected into a prebend of Glasgow, with the consent of *Marion Stewart, his wife, and of her son and heir, Sir William Stewart of Dalzwinton, Knight*. The same INDENTURE records a similar grant made on the same occasion, by Sir John Stewart, of Darnley, of the parish church of Torbolton to the same cathedral: an additional proof of the connection subsisting between the two families. This deed is printed in the Appendix to Crawford's History of the Scots Officers of State. Dame Marion Stewart bore Sir John Forrester several children. A proof, that at whatever period, after the year 1420, her second marriage took place, she could not have arrived at the years of maturity in the year 1396, when

Chartulary of
Glasgow.

her first matrimonial contract is dated. For, on the supposition that she was in her one and twentieth year, in 1396, her age, in the year 1421, must have amounted to forty-six, a time of life when, according to the common course of nature, it does not appear very probable, that she should have been the mother of a numerous family. But it is not to be presumed, that her second marriage should be dated so early as the year 1421, it can only be proved that it occurred at some period, prior to the year 1429. It appears probable, that she continued some time in a state of widowhood; and to give time for the birth of a numerous family, her age, on contracting her second marriage, cannot well be supposed to have exceeded thirty-three, or thirty-four, which, on the supposition that she was married to Sir John Forrester, in the year 1422, would reduce her age to nine or ten, when first affianced to Sir John Stewart, of Dalswinton, in the year 1396. That this was pretty nearly her age, appears extremely probable from the dates of different events in her subsequent life. In the year 1444, on the twentieth of July, her husband, Sir John Forrester, by virtue of his *jus Mariti*, confirmed a charter granted by his wife's vassal, James Lindsay, to John Neilson, of the lands of Carsfuk. She is supposed to have died about the year 1449, when, admitting the truth of the preceding hypothesis, her age must have been between sixty-three and sixty-five. " She was interred in the collegiate church of Corstorphin, beside her husband, Sir John Forrester, Lord Chamberlain, under an arched tomb, where are still to be seen her effigies, as large as life, in grey marble, habited in the
" dress

Charta penes
Joannem
Neilson de
Carsfuk.

* History of the House of Garlies, &c. supposed to have been written by George Crawford, p. 19, MS. penes Comitum de Galloway.

“ drefs of the times; on the pedeftal is her coat of arms,
 “ the cheveron furmounted of the bend engrailed, as it is
 “ borne by her descendants, the Earls of Galloway, to this
 “ day.”

Thus from a few known dates might the ages of Sir John Stewart, of Dalſwinton, and Dame Marion Stewart, be pretty nearly aſcertained, had the confined limits of theſe ſheets admitted of more extenſive reſearches. But enough has been diſcovered to ſhew the fallacy of the argument adduced to prove Sir William Stewart, of Jedworth’s great age, in the year 1396, merely from the circumſtance of his having formed a matrimonial alliance for his ſon in that year. Every impartial enquiry that has been made on the ſubject, ſeems to confirm the account already given of the immature years of the youthful parties at that period, and no traces of any tranſaction can be diſcovered, that affords the leaſt reaſon to ſuſpect that the age of Sir William, at the time in queſtion, was greater than that aſſigned him in the preceding pages. One of the principal characteristics of truth is conſiſtency, and every thing in the hiſtory of the ſon, appears perfectly conſiſtent with what has been already obſerved with reſpect to the age of the father. For if Sir William Stewart, as it has been ſtated, had arrived at the age of maturity, prior to the year 1385, he muſt have been thirty-two or thirty-three in the year 1396, which would certainly admit of his having a ſon of the age of ten or eleven, and conſequently old enough, according to the cuſtoms of the times to become the object of a matrimonial alliance, when a favourable occaſion preſented itſelf to ſtrengthen the family intereſt, and acquire an opulent eſtate.

The

The desultory attack made on the castle of Roxburgh, by Sir William Stewart, in conjunction with the eldest son of the Earl of Douglas, and other youthful assailants, in the year 1398, previous to the expiration of a truce, might be consistent enough with the age that has been assigned him ; but an account of a conduct so irregular would appear extremely improbable, had he, at that period, arrived at the age which some late hypotheses would give him. But no evidence has been adduced of his advanced years at the time. The terms of the contract, the life of the son, the account given of Marion Stewart, and the history of the fruit of their marriage, all tend on the contrary to prove the youthful years of the objects of the matrimonial alliance, and by a natural inference afford reason to conclude that the age of the father could not have been very considerable.

These researches, relative to the age of the principal subject of the present enquiry, tend not only to prove the consistency of the evidence that has been adduced with regard to him, but to demonstrate the absurdity of the attempt to propagate stories hostile to that evidence. From the facts that have been related, the futility will appear obvious, of representing Sir William Stewart, of Jedworth, as the person sacrificed by Hotspur Percy, in his fury, in the year 1402. For, neither in point of history, or chronology, can that story be rendered consistent with what is related of Sir William Stewart. For the person sacrificed by Percy, is represented to have been taken prisoner at the battle of Homildon, but Sir William had been taken prisoner on a prior occasion, in the year 1400, and as it is evident from the testimony of Rymer's *Fœdera*, &c. had
been

been ordered by king Henry to be detained in custody, and therefore could not have been present in the latter action, in the year 1402. One of the accusations alledged against the person put to death by Piercy, is, that he had sworn allegiance to England, at the time when Teviotdale had submitted to the English yoke; but it does not appear from any account that can be discovered of him, that Sir William Stewart ever swore allegiance to England: on the contrary, it is manifest that in every public transaction, he openly acted as one of the most faithful subjects of the king of Scotland. The date of Teviotdale's submission to the English yoke is fixed in 1345, immediately after the battle of Durham, which was nearly twenty years before Sir William Stewart, of Jedworth was born, for, as he is first mentioned as of mature years, in 1385, his birth must have been about the year 1364, which is in a great measure corroborated by the enquiry that has been made relative to the ages of his descendants, and by the account given in Rymer's *Fœdera*, of his attack upon Roxburgh, in the year 1398, when, from the nature of the expedition, and the age and character of those who acted with him on that occasion, it is evident he could not have been in very advanced years. If the story related in the *Scotichronicon* be at all true, it can only be true of Sir William Stewart, of Angus, who, according to that author himself, was present at the battle of Homildon, and who, from the offices and possessions retained by that family on the borders, might, with great propriety, be designed *de Forestâ*, as Fordun, or as his continuator expresses it, that is of the *Forest* of Jedburgh, or of Angus; of Angus whence he derived his title, or of Tevy-dale, where a considerable part of his territorial possessions lay. As he appears to have been the last of the

Stewarts

Rymer's *Fœ-*
dera, Vol.
VIII. p. 54.

Stewarts of the House of Angus, and as UNFRANVILLE, the partizan of Piercy, had obtained that title for his son, there might be some apparent policy in putting Sir William Stewart of Angus to death, but what advantage could be obtained by the sacrifice of Sir William Stewart, of Jedworth? The whole story appears so extravagant and absurd, that it seems to be totally discredited by Hume, and is rejected by Ridpath, who wrote the History of the Borders. It was probably invented by Winton in his Rhyming Chronicle, in order to fix an odious stigma on the character of Piercy, who was not much beloved by the Scots of that period. Bowmaker, the continuator of Fordun (as was generally his practice,) in all probability, copied it from Winton. The monkish historians of that age frequently invented absurd fables, in order to stain the characters of such heroes as had acquired credit by their victories over their country. The Scots historians accuse king Edward of having cruelly put to death the old Earl of Menteith, though it is evident, as is justly remarked by Lord Hailes, that he was alive twenty years afterwards. And the authors of the Irish Chronicle execrate Strongbow for his barbarous cruelty in putting his son to death with his own hands, though ^a Leland proves from their own annals, that he was alive many years afterwards. Winton and Bowmaker's tale of the execution of a Sir William Stewart *de Foresta*, seems to have no better foundation; but whether the story be true or false, it certainly can have no relation to Sir William Stewart, of Jedworth, who, on the clearest testimony, appears at that period to have been a prisoner in England, and by the evidence that has been ad-
duced,

^t Annals of Scotland, Vol. I. p. 350.

^a Leland's History of Ireland, Vol. I. p. 75. Philadelphia edit. 8vo,

duced, is proved to have served in "France about twenty-eight-years afterwards. But lest any doubt should remain on the subject, the question is considered more at large in the Appendix, No. I. and all other objections that have been made to the genealogical deductions here contended for, shall be fairly and candidly considered in their proper place. At present, it will be more illustrative of the subject to give a concise view of the whole of the evidence, selecting from every author what appears to be most consistent, and pointing out the erroneous source of whatever seems to be absurd and contradictory.

" " Sir William Stewart, of Jedworth, at the time of the action at Homildon, was
 " detained a prisoner in England, and confined in the Tower of London. He had been
 " taken as we have above shewn, in conjunction with his constant companion, Sir John
 " Turnbull, surnamed, *Out with the Sword*, and other chieftains, about the end of the
 " year 1400, in an irruption into England. Accordingly, after his release, he appears
 " as one of the Scottish commanders in the expedition to France, together with the same
 " Sir John Turnbull. All writers agree, that the following distinguished persons embark-
 " ed for the continent on this occasion; the Earl of Buchan, the Earl of Wigton, Sir
 " John Stewart, of Darnley, Sir William Stewart, Sir John Swinton, Sir John Turnbull,
 " &c. But lest any doubt should remain as to the identity of the brother of Sir John
 " Stewart, of Darnley, he is expressly described as ' Sir William Stewart, lately deli-
 " vered out of prison,' having regained his liberty, as has been already related, soon
 " after the accession of Henry V. to the English throne."

Genealogy of the Stewarts refuted, p. 92, 93.

Proofs deduced from the Descent of Territorial Possessions.

IT has been remarked by the learned and ingenious author of the "Genealogy of the Stewarts Refuted," a work printed at Edinburgh, in the year 1799, "that the estate of Jedworth descended to Sir William Stewart, from his great grandfather, Sir John, of Bonkill, 1296; and it seems to have been an appanage of a second son of the Darnley family, for nearly two centuries, Sir Alan Stewart of Dreghorn, mentioned A. D. 1316, was the second son of Sir John Stewart of Bonkill and Jedworth. He had a grant, as appears from inventories of charters in the public archives, of several lands still in the possession of the Earl of Galloway, such as those of Crosswell, or Corfewell, Drothardreg, &c. and it is more than probable, that the estate of Jedworth was also possessed by Sir Alan, and descended to his posterity in a similar manner. John Stewart, of Jedworth, who is mentioned in the chartulary of Kelso, 1323, there is every reason to believe, was Sir John, the eldest son of Sir Alan, descended afterwards of Crookston and Darnley." Genealogy of the Stewarts refuted, p. 76. To this short extract from the works of an elegant and well informed writer, it may not be improper to add the remark, that Sir John Stewart, of Bonkill, certainly was not the great grandfather of Sir William Stewart, of Jedworth, but an ancestor that stood at a still much remoter distance from him, as may easily be discerned by inspecting the genealogical table. In other respects, the important information

mation given by this very ingenious author, relative to the descent of the lands of Jedworth, appears to be extremely accurate and correct. That it was usual in the Stewart family to settle a certain portion of the estate on the second son, is a fact which appears to be sufficiently established by the following circumstance. "On the 30th of November, 1263, Alexander, High Steward of Scotland, had a charter from the king of the barony of Garlies, now in the stewardry of Kirkcudbright, which lands were conveyed to his SECOND SON, JOHN, and his posterity, in which line they have all along continued," &c. Symson's Stewarts, p. 56. This second son was afterwards designed Sir John Stewart, of Bonkill, and of Jedworth, as it evidently appears from a passage in Ragman Roll, from the appendix to the second volume of Nisbet's Heraldry, and from other respectable authorities. Symson's Stewarts, p. 60. That Sir John Stewart, of Bonkill and Jedworth, possessed several estates in the vicinity of Jedburgh, is evident from the Chartulary of Melrofs, in which there is a grant from him, dated December 25, 1296, of a considerable sum annually to that convent, payable at the fair of Roxburgh, from his estates in that neighbourhood. Symson, p. 61. That the lands of Jedworth were conferred by Sir John Stewart of Bonkill, upon his second son, Sir Alan Stewart of Dreghorn and Darnley, is manifest from the proofs that might be adduced to shew, that he bestowed no territorial possessions on any of his younger sons, consequently as the lands of Jedworth descended to his posterity, it must have been through the medium of his second son, Sir Alan Stewart, of Darnley, the descendants of the elder branch of the Stewarts of Bonkill having become extinct, and the other

Chart. of
Melrofs.

Macfarlane's
Collection.
Advocates'
Library,
Edinburgh.

In the pos-
session of the
Duke of
Montrose.

In the pos-
session of the
Duke of
Montrose.

sons having had no inheritance in land from their father. Sir John Stewart, of Jedworth, mentioned in the chartulary of Kelso, in the year 1323, must undoubtedly have been Sir John Stewart, of Darnley, whose name occurs in a deed, dated 1335, and preserved in Macfarlane's collection, in the Advocates' Library. There existed no other person of the name at that period, who could have had any pretensions to that estate. Sir John Stewart, the son of Sir John Stewart, of Bonkill, was designed *de Daldon*, and not *de Jedworth*, as is proved by Lord Hailes, in his *Annals of Scotland*, Vol. II. p. 307. And, according to Symson, p. 64, it has never appeared that he left any issue. The Sir John Stewart, of Jedworth, whose name occurs in the chartulary of Kelso, in the year 1323, must therefore evidently have been the same, who afterwards succeeded to the Darnley estate, and was designed Sir John Stewart, of Darnley. His father, Sir Alan Stewart, was the second son of Sir John Stewart, of Bonkill, and he appears for the reason assigned in the Appendix, No. 1, to have been the second son of Sir Alan, and to have succeeded to the estate on the death of his elder brother Sir Robert. In the year 1356, Robert, High Steward, of Scotland, afterwards king Robert II. granted by a charter dated at Rothsay, all the lands held *in Capite* of the Stewarts of Scotland, by the Darnley family, to Sir John Stewart, of Crookiston and Darnley, with remainder to his brothers Walter and Alexander successively. And in the year 1362, the same charter was renewed, granting the lands usually appertaining to the House of Darnley, to ² Sir John Stewart,

² These two charters throw some difficulties in the way of the hypothesis, that represents two Sir John Stewarts, as having been successively in possession of the Darnley estate, unless it can be supposed, that both of them had brothers of the names of Walter and Alexander.

Stewart, with remainder to his son Robert, and to his brothers, Walter and Alexander, successively, and to the nearest heir-male of the blood and name of the said Sir John Stewart. As Alexander Stewart, in process of time succeeded to the estates of Darnley, the other personages mentioned in the entail, must have died without issue. And it is presumable, that the lands of Jedworth, which originally had appertained to Sir John Stewart, of Bonkill, (the second son of the Steward of Scotland,) and had, as is supposed, descended to his second son Sir Alan Stewart of Dreghorn, and had been in the possession, as has been stated, of Sir John Stewart, the second son of Sir Alan, shared in consequence of the entail, the fate of the other estates of the Darnley family. Sir Alexander Stewart therefore, having succeeded to the other estates, must have acquired possession in a similar manner, of the lands of Jedworth. Sir Alexander had a second son, Sir William Stewart. And as a Sir William Stewart is found in possession of the Jedworth estate, about the year 1390, while Sir Alexander was yet alive, it affords an additional corroboration of the statement that has been made, that that estate was the appanage of the second son. From an attentive examination of the charters and authorities that have been cited, the custom may be observed, and the line of descent traced for above a century, and every circumstance that can be discovered, relative to the succession of proprietors, tends to confirm the evidence that has been adduced to prove, that Sir William Stewart, of Jedworth, was the second son of Sir Alexander Stewart, of Darnley. Sir William Stewart of Dalswinton and Garlies, the grandson of Sir William Stewart, of Jedworth, had a second son, Sir Thomas Stewart,

Parliamen-
tary Register,
Book III.
P. 48.

Stewart, of Minto, who, in the year 1478, was engaged in a dispute with the Abbot of Jedworth, relative to the mail duties of the lands of Stewartfield, in that neighbourhood, which may be considered as another instance of the custom that had obtained in the family, with respect to the succession to that estate.

It has been already stated, ^y that the lands of Crofswell or Corfswell, in the Rinns of Galloway, were originally in the possession of Sir Alan Stewart, of Darnley, and that they appear to have descended from him to Sir William Stewart, of Jedworth, from whom they were conveyed to his posterity, the Stewarts of Garlies and Dalswinton. In an inventory of Scots charters, preserved in the British Museum. Harl. MS. No. 4609, one of the articles is "a confirmation of a charter to Alan Stewart, " father to John Stewart, Lord Darnley, of the lands of Crof-
" well, Drothardreg, and part of Glengary, called commonly,
" Knockill, in the Rinns of Galloway," dated sometime prior to the year 1333. And among the Scots Acts of Parliament, there is an act ratifying a charter in favour of the Earl of Galloway, ^z *of all and sundry, the lands and barony of Crofswell*, dated 1623. The descent of these estates to the Stewarts of the House of Garlies, is a singular corroboration of the evidence that has been adduced, for they must have been inherited by the ancestors of the Earls of Galloway, from Sir William Stewart, of Jedworth, who could not have succeeded to them, but in consequence of his descent from the House of Darnley.

Sir

^y Vide View of the Evidence, p. 31.

^z Vide View of the Evidence, p. 88. Appendix.

^a Vide p. 12, of the preceding sheets.

Sir John Stewart, of Darnley, (afterwards Earl of Darnley,) by a ^b charter dated at Edinburgh, August 15, 1477, granted to his *cousins*, Thomas Stewart, of Minto, and his wife, Isabella Stewart, the lands of Househill, in the county of Renfrew, on the annual payment of a *red rose*, on St. John Baptist's day. This charter was confirmed by king James IVth, in the year 1489. The descent of Thomas Stewart, of Minto, ancestor of Lord Blantyre, from Sir William Stewart, of Jedworth, has been already deduced, and the grant to him of these lands, on so easy a tenure, by Sir John Stewart, of Darnley, may be regarded as a further confirmation of the genealogical deduction here contended for.

Sir William Stewart, of Jedworth, being, by most authors, considered as the person, who in some ancient charters is described as the proprietor of the Castlemilk estate, every proof adduced in favour of the rights of superiority possessed by the Stewarts of Darnley over those lands, must tend to corroborate the account given of the connection subsisting between the families of Darnley and Jedworth. The following observation on this subject, by the learned and ingenious author of the *Genealogy of the Stewarts refuted*, demands particular attention. "As
" to the estate of Castlemilk, the line of succession in which
" it has been traced, is likewise remarkable. Its first appearance was in the hands of Sir John Stewart, of Darnley, A. D.
" 1387, by him it was conveyed to his brother Sir William
" Stewart, of Castlemilk and Jedworth, and it passed afterwards successively to his two sons, Sir John, and Sir William
" Stewart."

The

^b Vide View of the Evidence, p. 34.

^c *Genealogy of the Stewarts refuted*, p. 79, 8vo. Edinburgh, 1799.

The same author makes a similar observation, with respect to the manner in which the Stewarts of Garlies succeeded to the estates of Minto, &c. "The^d fact we have above noticed, relating to the disputed succession to the lands of Minto, the property of Sir William Stewart of Jedworth, is likewise convincing. His lineal heirs, instead of remaining in a state of inconceivable apathy for seven and twenty years, immediately claimed the estate, and accordingly Sir William Stewart, of Dalwinton, regularly made up his titles in 1429, on the fall of his grandfather before Orleans."

The argument deduced from the transmission of landed property is likewise supported and illustrated by several charters of the lands of Clarie, an estate that has remained for several centuries in the possession of the Stewarts of Garlies. In the year 1621, Ludovic, Duke of Lennox, made "a disposition of the lands of Clarie, with the consent of Alexander Stewart, of Clarie, (a cadet of the House of Garlies,) in favour of William Houston of Cottreoch, redeemable on the payment of ten thousand marks."

Lord Gallo-
way's Char-
ter Chest.

There are several deeds and charters of a similar tendency in the same charter chest, from which it appears evident, that the Duke of Lennox concerned himself on many occasions in the disposition of lands, appertaining to the House of Garlies, and interested himself in favour of the younger, and unprotected branches of that family. And it would be as difficult to assign any plausible reason for the attention paid by him to the territorial possessions, and the protection accorded by him to the younger branches, of the House of Garlies, (unless he con-
sidered

sidered the latter as descended from the House of Darnley,) as it would be hard to adduce proofs of any connection subsisting between the families, different from that which has been accounted for on the authority of the evidence detailed in the preceding pages.

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Proofs

* It appears to have been uniformly the opinion of all authors, who have written on the subject, that Sir William Stewart, of Jedworth, was a younger son of the House of Darnley, and that he descended from that family about the period mentioned in the course of the evidence that has been adduced. Crawford in his notes on Ragman Roll, (Appendix to Nisbet's System of Heraldry, Vol. II.) acknowledges that he must have been descended from John Stewart, *de Jedwith*, mentioned in the chartulary of Kelso, 1323, but he suggests contrary to all evidence, and to his own statement in the Peerage, that this John Stewart *de Jedwith*, might have been the same person with the John Stewart killed at the battle of Hallidown-hill, in the year 1333. This unfounded hypothesis has led astray only one person, Sir Robert Douglas, the author of the Peerage of Scotland; and in him it appears to have been only the effect of inadvertency; for, in a subsequent work, the Baronage of Scotland, he represents Sir William, as the person who occasionally was designed *de Castlemilk*, and who was descended from the Stewarts of Darnley. This opinion is confirmed by the statements of Anderson, Duncan Stewart, and every author who wrote since the above-mentioned suggestion was first thrown out, and who had opportunities of examining the loose evidence on which it was founded, and to observe its fallacy. In fact, it is evident that the above suggestion was not consistent with Crawford's real opinion, for, in his Peerage of Scotland, where he wrote professedly on the subject, he asserts in conformity with the account given by all preceding authors, that Sir William Stewart, of Jedworth, was a younger son of the Darnley family. It was his practice, after giving his real opinion, to throw out genealogical problems, in order to provoke discussion, and to discover what might be said in opposition to this opinion. Thus, in the MS. History of the House of Garlies (*MS. penes Comittem de Galloway*), after representing Sir William Stewart, as the person who occasionally assumed the title of Sir William Stewart, of Castlemilk, he, towards the conclusion of the work, intimates that Sir William Stewart, of Castlemilk, might have been a different person, and that he might have been descended from John Stewart, of Dalwinton, the absurdity of which statement has been demonstrated, p. 39, of the preceding sheets. It is impossible, that the John Stewart, killed at Hallidown-hill, 1333, could have been the ancestor of the Jedworth family, for he, by Symson's account (*Symson's Stewarts*, 8vo. p. 64.) had no issue; and according to Lord Hailes, in his Annals of Scotland, Vol. II. 4to. p. 307, he was designed *de Daldou*, and not *de Jedworth*. The John Stewart *de Jedwith*, mentioned in the chartulary of Kelso, 1323, must evidently therefore have been the same person, who, in a charter,

*Proofs deduced from the Warlike Services performed
by the Stewarts of Garlies to the Chieftains of
the House of Darnley and Lennox.*

WHEN, from the injuries of time, and the natural effects of tumultuous periods, family charters have been obliterated or destroyed ; proofs of paternal union, and feudal alliance, of fidelity and attachment on the one side, and of patronage and protection on the other, have ever been considered as the most decisive evidence of consanguinity and avowed hereditary connexion. And even in a country like Scotland, where attachments of this nature were once carried to the highest pitch of enthusiasm, it would be difficult to point out the race that adhered with more fidelity to their chiefs than the Stewarts of Garlies did to the ancient founders of the House of Lennox.

In a collection of valuable papers deposited in the Advocates' Library, at Edinburgh, a declaration has been preserved, signed by king James III. at Edinburgh, October the 10th, 1482, in justification of the conduct of Sir John Stewart, of Darnley, Lord Lennox, who had seized the king's person, and carried him to the castle of Edinburgh ; the apparent violence offered his majesty, having been in consequence of his own secret orders, to deliver him from a powerful and dangerous party. Two of Lord Lennox's faithful followers on this occasion were, *Alexander Stewart*, and *Thomas Stewart*, who appear

Macfarlane's
Collection,
Advocates'
Library, p.
74.

charter, dated 1335, in Macfarlane's collection (Advocates' Library) is called Sir John Stewart, of Darnley, and who was the second son of Sir Alan Stewart, of Darnley, and beyond a doubt, the ancestor of Sir William Stewart, of Jedworth.

pear to have been Sir Alexander Stewart of Garlies, and Sir Thomas Stewart, of Minto. Matthew, Earl of Lennox, and the Stewarts of Garlies and Minto fought in the same cause at the battle of Bannockburne, 1487.

In the fatal battle of Flowden-field, in the year 1513, Sir Alexander Stewart, of Garlies, espoused the same interest, and fell on the same occasion with the Earl of Lennox, where perished likewise their near relation, Sir John Stewart, of Minto, "nor was he the only one, who thought it not unbecoming their character to fight for, and fall with their sovereign, &c. The most conspicuous of the nobility and gentry were, John Lindsay, Earl of Crawford, Matthew Stewart, Earl of Lennox, Alexander Stewart, of Garlies," &c. Abercromby's Martial Achievements, Vol. II. p. 540, 541.

Robert Stewart, of Minto, the son of Sir John Stewart, descended from the house of Garlies, attended John, Earl of Lennox, to the field of Linlithgow. In the records of the Privy Seal, Vol. VI. p. 31, there is a "respite to Robert Stewart, of Minto, for his being with umquhile John, Earl of Lennox, in the field of Linlithgow, and for all the other crimes that may be imputed to him thereupon." Dated Edinburgh, October 22, 1526.

Records of
the Privy
Seal, Vol. vi.
p. 31.

When Henry, Lord Darnley, married Mary queen of Scots, he had the honour of knighthood conferred on Sir Alexander Stewart of Garlies, "he then promoted fourteen gentlemen to the honour of knighthood, Sir Robert Stewart, of Straighton, Sir Robert Stewart, of Largis, Sir ALEXANDER

M 2

" STEWART,

' Vide View of the Evidence, p. 39.

“ STEWART, OF DALSWINTON, Sir James Stewart, of
 “ Down,” &c. Dr. Gilbert’s Stewart’s History of Scotland,
 Vol. I. p. 94.

In the minority of King James VIth, Kirkaldy, of Grange, having been accused of treason and disaffection, by some of the followers of the Earl of Lennox, offered to justify himself by single combat, “ which being advertised to them within
 “ Leith, diverse gentlemen were desirous to undertake the
 “ challenge, but the regent, (Matthew, Earl of Lennox)
 “ granted it to the LAIRD OF GARLISCH, being a STEW-
 “ ART, and his *kinsman*, who had earnestly requested it.”
 Hollinshed’s Chronicle, ad annum, 1571, the history of Scot-
 land, p. 403.

When the regent was killed at the surprize of Stirling, this youthful hero of the House of Garlies perished in his cause, and at his side. “ The king’s party lost thirty-eight, among
 “ these, the regent, who died of his wound that evening.
 “ ALEXANDER STEWART of GARLIES, and George Ruth-
 “ ven (a brother of the Lord Ruthven’s) were the only per-
 “ sons of note.” Crawford’s Memoirs, p. 233.

King James the VIth, at the coronation of his queen, to add to the splendor of the solemnity, conferred the honour of knighthood (among others) on Sir Alexander Stewart, of Garlies, the son of the gallant champion, who had so nobly offered to combat in his cause, and who afterwards sacrificed his life to his interest. “ How soon the king returned home with
 “ the queen, his majesty would needs have his royal comfort
 “ solemnly crowned, as it had been constantly practised, and
 “ it being judged necessary, for the greater splendour of the
 “ ceremony, to make sundry promotions of honour, Sir Robert
 Kerr,

“ Kerr, of Cesford, Sir Walter Scott, of Buckleugh, SIR ALEX-
 “ ANDER STEWART, of Garlies, &c. all received the honour
 “ of knighthood at the solemnity.” Crawford’s Officers of
 State, p. 149.

King James likewise conferred the honour of knighthood on the son of the last-mentioned Sir Alexander Stewart, and afterwards advanced him to the dignity of the Peerage, by letters patent, bearing date July 19th, 1607. The patent, which is printed in the Appendix to the View of the Evidence, contains some clauses which appear very honourable to the family, and give the strongest possible proofs of the affinity subsisting between the Dukes of Lennox, and the House of Garlies, and of Sir William Stewart, of Jedworth’s having been the son of Sir Alexander Stewart, of Darnley.

The same attention appears to have been paid to the interest of the Cadets of the House of Garlies and Dalchwinton, in proportion to their proximity of blood to the principal representatives of the family. In the investiture of the lands of Garlies, cited in the View of the Evidence, page 43, the Stewarts of Fintalloch are mentioned as one of the elder branches sprung from the stem of the Stewarts of Dalchwinton. The honour of knighthood was conferred upon Sir Robert Stewart of Fintalloch, who was gentleman of the privy chamber to King James VIth, his eldest brother, Sir William Stewart, was created a baronet, and had a grant of a thousand acres of land, in the county of Donegal, in Ireland, and his son was advanced to the dignities of Baron Stewart of Ramalton, and Viscount of Mountjoy, whose posterity some years afterwards were raised to the honour and dignity of Earls of Blefinton. Lodge’s Peerage of Ireland, Vol. II. p. 196.

Lodge’s
 Peerage of
 Ireland, Vol.
 II. p. 196.

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The next branch of the Stewarts of Garlies, were the Stewarts of Minto, whose principal representative, Walter Stewart, of Blantyre, was treasurer, and lord privy seal to King James VI. and about the year 1605, was created Lord Blantyre. It has been observed in another part of these sheets, that the ancestors of this family had a grant of the lands of House-hill, from John Stewart, Lord Darnley, and that the proprietors of that estate were for many years "heretable bailie-deputes under the dukes of Lennox." Vide View of the Evidence, p. 39.

In the possession of the Duke of Montrose.

Records of the Court of Session.

The next cadets of the Stewarts of Garlies and Dalswinton, were the Stewarts of Castlemilk, who held lands, of which the Stewarts of Darnley were superiors. In the year 1491, William Stewart, of Castlemilk, had a pardon or remission for being concerned with Matthew Stewart, son and apparent heir of John Stewart, Earl of Lennox, in the detention of the Castle of Dumbarton against the King's authority. Ludovic, duke of Lennox, by a commission, dated July 28th, 1604, appointed Walter Commendator, of Blantyre, Sir Matthew Stewart, of Minto, *Archibald Stewart, of Castlemilk, &c.* commissioners for the management of his estates in Scotland. And some years afterwards, the principal representative of the Castlemilk family, was created a ^b baronet of Nova-Scotia. Thus were the different branches of the Stewarts of Garlies involved in danger, and rewarded with honours, in consequence of their consanguinity with the House of Darnley, almost in exact proportion to the different degrees of proximity of blood in which they stood to that house. If the younger Sir William Stewart,
of

^a Nisbet's Heraldry, Vol. I. p. 50.

^b Genealogical History of the Stewarts, by A. Stuart, Esq; p. 373, 4to. London, 1798.

of Castlemilk, was the second son of Sir William Stewart, of Jedworth, (agreeable to the tenor of the evidence adduced in the preceding pages, and the opinion of the best informed authors,) the honours conferred on the former, or his posterity, by the Stewarts of Darnley, can only be regarded as additional proofs of the affinity subsisting between the latter and that family. And if it be contended that the Garlies and Castlemilk branches were of different origin, it must be acknowledged, that the services performed by, the lands granted to, and the honours conferred on, the latter, bear no proportion to those which fell to the lot of the former, and as far as such proofs can be considered as evidence of proximity of blood, the Stewarts of Garlies and Dalswinton must incontrovertibly be admitted to have been the nearest relatives of the Stewarts of Darnley.

*Miscellaneous Proofs arising from Identity of Names,
family Incidents, and the Credit attached to Let-
ters Patent.*

IN addition to weightier arguments, proofs of a lighter nature have been resorted to on subjects like the present. The identity of names has been thought presumptive evidence of family connection. In the case of the Earl of Sutherland, considerable stress seems to have been laid by a very able advocate on this argument. "For further illustrating the connection betwixt these two Earls, it is to be observed that he bears the name of William, which appears to have been used in the family, and was the name borne by his grand-father, and grand-fire." Earl of Sutherland against the Earl of Crawford, p. 4. ⁱ 4to, Edinburgh.

Whatever validity this species of proof can be supposed to have, it gives forcibly in favour of the descent of the Stewarts of Dalwinton from Sir Alexander Stewart, of Darnley. The eldest son of the House of Garlies, for many generations, bore the name of Alexander, and in commemoration it may be presumed of Sir William Stewart, the brother of Sir John Stewart, of Darnley, who appears from the evidence adduced in the preceding pages to have been their ancestor, Sir William Stewart, of Jedworth, the family could always boast a younger brother

ⁱ Written by the late Sir David Dalrymple, Lord Hailes.

brother of the name of William. It was a Sir ^k WILLIAM STEWART, of Garlies and Dalswinton, that claimed the estate of Minto in right of his grandfather, Sir William, in the year 1429, immediately on the fall of Sir William Stewart, the brother of Sir John Stewart, of Darnley, at the battle of Harans, and it was a Sir ^l *William Stewart*, of Clarie, a younger son of Sir Alexander Stewart, of Garlies, who was taken under the protection of the Duke of Lennox, about the year 1617.

The burning of their family seat, and the consumption of their ancient deeds and charters, are pleaded on the part of the Earl of Sutherland, as apologies for their inability to produce better evidence of his pretensions to that title. Case of the Earl of Sutherland, by the late Lord Hailes, p. 9. “ However the Earl of Sutherland, and his predecessors may “ have suffered, by the burning of the Castle of Dunrobin, “ where his charter chests were kept, so that the most part of “ the writs now produced, are recovered out of the registers, “ or charter chests of other noblemen or gentlemen, yet the “ Earl of Sutherland’s descent, in A. D. 1601, is recognized by “ king James VIth, and our king being the fountain of honour, his testimony *in re tam antiquâ*, must be of great “ importance.”

The burning of their ancient seat at Glasserton, where the family resided in the year 1730, proved equally fatal to the interest of the Earl of Galloway and of his predecessors. The most ancient and most valuable of their charters were lost or consumed, and nothing was preserved but the more modern and more neglected writings, which had been previously and
N accidentally

^k Vide p. 19.

^l Vide View of the Evidence, p. 64.

accidentally removed, or which had been left at Clarie, and the other family seats. The appeal to the recognition of the king on the present occasion, is more natural and more valid. King James VIth himself (who, in his letters patent, 1607, acknowledged the descent of Sir Alexander Stewart, of Garlies, from the *ancient House of Lennox*,) was descended from the family of Darnley and Lennox, was interested in its honour and its fame, and was not likely to admit a familiar connection with any but those whose pretensions were well founded and well supported. He had studied the genealogical history of his ancestors, and was not likely to be deceived. He stood near the source of information, and was not likely to be mistaken. And Ludovic, Duke of Lennox, whom he deputed to confer the honour of the peerage on Sir Alexander Stewart, of Garlies, principally on account of his affinity to the family, would have revolted at the idea, had not Sir ^m Alexander's pretensions been founded on the clearest evidence.

These arguments, however, are not considered as the principal support of what has been advanced; they are not stated in order to prove what appears from better evidence to be already sufficiently established, but to shew that no argument is wanting, that on such subjects has been usually adduced, and no species of enquiry neglected that might lead to fair investigation, and to truth.

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^m Mr. David Symson, Anderson, the author of the *Genealogical Tables*, and all the older antiquaries, always represented Sir William Stewart of Jedworth as a son of the family of Darnley. As they had access to all the family charters, and as most of them had opportunities of examining them, prior to the conflagration at Glasferton, it appears extremely probable, that they might have met with satisfactory evidence to that effect in charters and other authentic deeds which are now lost.

Proofs

*Proofs deduced from the direct Testimony of the
Family of Darnley.*

THEⁿ protection recorded by Ludovic, Duke of Lennox, in the year 1617, to William Stewart, of Garlie, a younger son of the House of Garlies, has been already mentioned. The circumstance may be considered as a tacit acknowledgement of the family connection subsisting between those two powerful branches of the Stewarts. An acknowledgment which is unequivocally expressed in king James the VIth's letters^o patent, 1607, where it is declared that the honours conferred on Sir Alexander Stewart, of Garlies, were in consequence of the descent of his family from the ancient House of Lennox, "*Nos igitur respectu dicti continuationis et descensûs dictæ domus, et suæ nobilis prosapiæ, ab antiquâ Domo de Lennox derivatæ.*" The king himself being descended from that family, and the Duke of Lennox, then at the head of it, being deputed to confer the title, and virtually acknowledging the affinity, the testimony of the patent, as hath been observed, ought naturally to be considered as of more than ordinary validity.

The honours conferred upon Sir Alexander Stewart, of Garlies, by king James VI. at the coronation of his queen, and the attention paid to, and the dignity conferred upon, the proprietor of the Garlies estate, by Henry Lord Darnley, whom

N 2

hc

ⁿ Vide View of the Evidence, p. 64.

• Printed in the Appendix to the View of the Evidence, p. 86.

he acknowledged as his ^p cousin on his marriage with Mary, queen of Scots ; the favours bestowed upon different branches of the family, and the direct testimony borne to their descent from the House of Darnley, by the dukes of Lennox and their predecessors on several momentous occasions, are the most unexceptionable corroborations that could be given to the evidence adduced to prove Sir William Stewart, of Jedworth's having been a younger brother of Sir John Stewart, of Darnley, for the affinity, subsisting between the two families, could have been founded on no other connection.

The testimony of Matthew, Earl of Lennox, in the year 1571, must likewise be considered as a direct proof to the same tendency. For when several officers of his party appeared desirous to accept the challenge of Kirkaldy, of Grange, the champion of the queen's party, *the regent* (Matthew, Earl of Lennox) " granted it to the Laird of *Garlisch,*" as Hollinshed expresses it, "*being a Stewart and his KINSMAN.*" Hollinshed's Chronicle and History of Scotland, p. 403. The testimony of the Earl of Lennox, on this occasion, is of considerable weight, as he must naturally be supposed to have been well acquainted with the history of his own family, especially as he lived within less than a century and a half of the date of the event in question, and the death of the person who is the subject of the present enquiry ; but there is still a more direct testimony to the same purpose, in a letter from the Earl of Lennox, in the year 1545, when through his influence several of the principal noblemen and gentlemen of Scotland who had been taken prisoners at the battle of Solway Moss, were induced to come over

over to the English interest. The letter is in the following words:

The Earl of Lennox to the Earl of Shrewsbury.

“ After my most hartly commendacyons unto your good
 “ Lordship, this shal be to sygnifye unto the same, that I have
 “ receyved the King’s Majesty’s letters from your Lordship, this
 “ Mondaye, beyng the xiii daye of this moneth, commanding
 “ me to certify your Lordship in wryting of the namys of all
 “ syche prefooners and pledgis as I have in my Custodye; de-
 “ claring in the same what manner of men thaye be; whar-
 “ for they lye; whose preffoners they are; and of what wor-
 “ thynes, substance favoures they be. My Lord, trueth it
 “ is, at my fyrst journeye to Dromfres upone the West
 “ Marches of Scotland, thair came in to the king’s majesty’s
 “ sarvice, by my procurement, the moyst part of the Lairds of
 “ Galloway, such as the Laird of Garles, the Laird of
 “ Lochynwar, and ^a Tutor of Bonby, who I brocht with me to
 “ Carlale, whair thay entir thair Pledgis unto the Lord Whar-
 “ ton, beyng then Lord Wardon of the West-Marchis. And,
 “ forasmuch as the Laird of Garleis is my NERE KINSMAN,
 “ and also of my SORNAME, I did tak in my custody, by my
 “ Lord Somersfett’s license, only the said Laird’s sonne, beyng
 “ of the age of xvi years, whose substance I do not know
 “ parfety, but by my judgment; his father may spend xv
 “ hundreth marks, Scots, wiche is all I can certifie your lord-
 “ ship in this matr, and if I could mak any further declaration
 “ in the same, I would not fail, according to my bonding
 “ dewte, and thus I byd your good Lordship moyst hartly fair
 “ well.

^a Tutor or guardian to the Laird of Bonbye, then, probably, a minor.

“ well. From the King’s Majesty’s Castell of ^r Wressfel, the xiii
 “ daye of January, (1545.)

“ Yer Lordshipis assured

“ lowyn Frend,

MATHEW LENOX.

“ To the richt honorable and my singlar
 “ good Lord th’ Erle of Shrofsbury,
 “ Lord Prefident of the King’s Ma-
 “ jesty’s Confall, establiſhed in the North
 “ Partis.

This letter is published in ^r Loged’s Illustrations of the History of Great-Britain, and as it is dated in the year 1545, within a hundred and fifteen years of the period (1429) when Sir John Stewart, of Darnley, and his brother Sir William, fell at the siege of Orleans, it must be regarded as a manifest corroboration of the truth of the genealogical statement contained in the preceding sheets. The whole intermediate space did not extend to above three generations. The Earl of Lennox might have himself conversed with the *grandson*, or even with the *son* of one who had personally known Sir William Stewart. It would appear an extraordinary circumstance, that for so inconsiderable a number of years, he should not know the history of his own ancestors, who had so much distinguished themselves in the contests of the times. His acknowledgment, therefore, in 1545, of Sir Alexander Stewart, of Garlies, as his *near kinsman*, is equivalent to an authoritative declaration, that
 Sir

^r The Castle of Wressfel, near Howlden, in the East-riding of Yorkshire, built by a younger brother of the Percy’s, and demolished by order of the Parliament, in 1656.

^s Lodge’s Illustrations of the History of Great-Britain, Vol. Ist. 4to. London.

Sir William Stewart, of Jedworth, the ancestor of the Stewarts of Garlies, was the son of Sir Alexander Stewart, of Darnley. For if he was not, the proprietor of Garlies could not have been the *kinsman* of the Earl of Lennox. There was no other personage to whom the two families could owe their consanguinity. It would be, in the highest degree, absurd, to suppose that the Earl of Lennox acknowledged Sir Alexander Stewart, of Garlies, as his *near kinsman*, in 1545, merely because he was descended from his remote ancestor, Sir John Stewart, of Bonkill, who fell at the battle of Falkirk, in the year 1298. The period would occupy about two hundred and fifty years, a space of time in which the two collateral branches would certainly cease to be *nearly* related, or in which half the population of Scotland, as the country is represented to have been inhabited, might, with equal propriety, be considered as relations.

Nothing could be a stronger testimony of the truth of the evidence that has been adduced, than the declaration contained in the preceding letter, except a deed or charter by Sir Alexander, or Sir John Stewart, of Darnley, acknowledging Sir William Stewart, of Jedworth, as a son or a brother. Though it is not probable, that evidence of such a nature can now be obtained; by diligent research, and persevering investigation, it may, however, be approximated. In the same collection of ancient writings, where the Earl of Lennox's letter was discovered, an account has been found of the prisoners taken at the battle of Solway Moss, &c. October 21, 1542.

“ The names of Scottish pledges and prisoners as was taken
 “ syn this warre first begonne on these West marches, with
 “ an estimate of their values and estimations, and where they
 “ were

“ were bestowed at the first. Nevertheless, diverse of them be
 “ dead and letten home upon ransomes and otherwife.

“ Pledges received for the King’s majesty’s service, and
 “ the nombres for whome they were delivered as followith :
 “ 2x The Larde of Carlies, of an hundred pound land and
 “ more, and of good estimation ; his pledge, his sonne and
 “ heyre, with the Erle of Lennox for ccv1.” Lodge’s Illustra-
 “ tions of the History of Great-Britain, Vol. I. p. 40.

When explained by the preceding letter, this transaction may virtually be considered as an acknowledgment on the part of the Earl of Lennox, in the year 1542, that Sir Alexander Stewart, of Garlies was his *near kinsman*. The events here alluded to, happened within a hundred and twelve years of the death of Sir William Stewart, in 1429, a space of time, during which family tradition might well have preserved the memory of the relation in which he stood to the House of Lennox. But, by tracing the genealogical stream towards its source, it may be possible to bring the direct family testimony of the Stewarts of Darnley still nearer to the period required. In the Public Records, at Edinburgh, there is a charter by Sir John Stewart, of Darnley, in favour of his *cousins*, Thomas Stewart, of Minto, and his wife Isabella Stewart, of the lands of Househill, in the county of Renfrew, to be holden *blenche*, on the payment of a *red rose*, annually on St. John Baptist’s day. This charter is dated the 16th of August, 1477, which is within forty-eight years of the period when the Stewarts of Garlies, according to the preceding evidence branched off from the stem of the Stewarts of Darnley. The nature of the grant, and the expression in Matthew, Earl of Lennox’s letter, 1545, already quoted, prove that the word *cousins* is not on this occasion,

caſion, uſed as an empty compliment. Sir Thomas Stewart, of Minto, was deſcended, as it is proved in the View of the Evidence, p. 36, &c. from Sir John Stewart, of Dalſwinton, the eldeſt ſon of Sir William Stewart, of Jedworth; his wife Iſabella Stewart was deſcended from Sir William Stewart, of Caſtle-milk, a younger ſon of Sir William Stewart, of Jedworth, conſequently they muſt have been nearly related, and both muſt have borne a near affinity to Sir John Stewart, of Darnley, who, from the evidence that has been adduced, appears to have been the grandſon of Sir John, the eldeſt brother of Sir William Stewart, of Jedworth. It has been proved from the moſt authentic documents, that the laſt-mentioned Sir John, and his brother Sir William, were killed at the ſiege of Orleans, A. D. 1429. The repreſentative of the elder calls the deſcendants of the younger brother his *cousins* in the charter al-luded to, in the year 1477. The intermediate period com-prises only forty-eight years, family tradition could hardly, for ſo ſhort a ſpace of time, have failed to preſerve a correct ac-count of domeſtic connections. The charter of the lands of *Househill* may therefore be conſidered as equivalent to a deed ſigned by Sir John Stewart, of Darnley, himſelf, 1429, acknow-ledgeing Sir William Stewart, of Jedworth, as his brother. Cor-roborated by the teſtimony of the Earl of Lennox's letter, in the year 1455, repreſenting the Stewarts of Garlies as his *near kinsmen*; this charter muſt be conſidered as the ſtrongeſt evi-dence of the truth of the genealogical ſtatement deduced in the preceding pages. For if Sir John Stewart, of Darnley, and Sir William Stewart, of Jedworth, were really brothers, their deſcendants muſt be ſo nearly related, that they muſt be conſidered as deſcendants, and not as *cousins*, of each other. Vide View of the Evidence, p. 38.

descendants, the Stewarts of Lennox and Garlies must have been as the Earl of Lennox describes them, *near kinsmen*, but if they were not brothers, these two branches of the Stewarts bore no affinity to each other, and the testimony of the Earl of Lennox must be considered as erroneous, and he must have misrepresented, or have been totally ignorant, which appears to be extremely improbable, of the history of his own family, for the fifty or sixty years, immediately preceding his own birth.

Crawfurd states that he had seen several charters, in which the Garlies family were represented as cousins to the Stewarts of Darnley, and he cites Symson as having said the same thing in his manuscript history of the House of Garlies, now lost. There are several other instances from the year 1429, to the year 1623, when Lord Garlies was created Earl of Galloway, where the Stewarts of Darnley, in ancient deeds of undoubted authenticity, are admitted to have acknowledged the family of Dalswinton as their near relations, and the military services performed, and the ancient attachment discovered on the one hand, and the territorial possessions granted, and the honours conferred on the other, are the clearest and most unequivocal proofs of consanguinity. But what has been observed, is sufficient to prove the affinity subsisting between the two families. The limits of this work will not admit of the insertion of all the proofs that present themselves; it is here intended only to point out the principal part of the evidence that might be adduced, but it is reserved for a larger work to collect all the collateral proofs, and deduce from them such arguments as manifestly tend to corroborate the genealogical representation of the descent of the family that has been already made. In the mean time,

time, it may not be improper to observe, that the circumstantial evidence which presents itself in the relation of facts that have been stated, is perhaps a stronger proof of family affinity than the direct testimony of charters, for charters may be forged, but the series of presumptive proofs observed in the history of the two families after the revolution of so many ages, all concurring to establish the same affinity, and to fix it at the same period, can neither be the result of invention or fabrication, and will stand the test of the closest examination, and the severest scrutiny.

VOL. I.

*Proofs deduced from the Testimony of Historians,
Genealogists, and other Authors, who have investi-
gated the Antiquity of the House of Stewart.*

ALL authors, who have written on the subject, appear to concur in their evidence, with respect to Sir William Stewart, of Jedburgh. They represent him as a son of the family of Darnley, and assert that he highly distinguished himself towards the close of the fourteenth, or the beginning of the fifteenth century.

Nisbet, in his System of Heraldry, Vol. I. p. 49, has the following passage on this subject, " Sir Walter Stewart, to whom king Robert, the Bruce, gave the barony of Dalswinton, was descended of a younger son of John Stewart, of Bonkill, and was sometimes designed of Dalswinton, and sometimes of Garlies; his grandson, Sir Walter Stewart, of Dalswinton, was contemporary with Robert III. His daughter Marion Stewart, became his heir, and was married to Sir William Stewart, sheriff of Teviot-dale, DESCENDED OF THE FAMILY OF DARNLEY, progenitors of the Earl of Galloway."

From a superficial view of this passage, it might be concluded that Sir William Stewart, of Jedburgh, had married Dame Marion Stewart, which is contrary to fact, and to the clearest evidence. The concurrent testimony of all authors, who have related this event, goes to prove that the principal part of his evidence is correct, but that there is an apparent error in his account

account of the person who married the heiress of Dalswinton, and that he in all probability intended to have said, "was married to" (the eldest son of) Sir William Stewart, sheriff of Teviotdale." But this might have been a typographical error, or have arisen from inadvertency. Nisbet has ever been esteemed too exact a genealogist to suffer from so trifling an omission, and his testimony, with respect to Sir William Stewart's descent, is entitled to every attention. There is a trifling error of a similar tendency, but of no consequence, in Anderson's *Genealogical Tables*, Table 505, p. 760. "Sir Walter Stewart received the barony of Dalswinton from king Robert Bruce; his son, John Stewart, of Dalswinton, was given in hostage for king David Bruce, 1357, his successor, Sir Walter Stewart, Lord of Dalswinton, lived in the reign of Robert II. and III. whose only daughter, wife of John Stewart, Esq; of the House of Darnley, married 1396," and again, Table 508, p. 763, "Sir Alan Stewart, Lord Darnley, was early in the interest of King Robert Bruce, from whom he obtained the lands of Dreghorn, formerly possessed by John Baliol; he was slain at Hallidown-hill, the 8th of June, 1333. He left issue, 1st, John, Lord Darnley; 2d, Sir William Stewart, the father of Sir John, who married the heiress of Dalswinton, and was the lineal progenitor of the present Earl of Galloway."

A bare inspection of Anderson's Tables will evince the probability of an accidental transposition of the sentence, which makes Sir William Stewart the immediate descendant of Sir Alan Stewart, of Dreghorn; Sir William was his grandson, or great-grandson, and the son of Sir Alexander Stewart, of Dreghorn and Darnley; Sir Alexander's eldest son was Sir John.

John Stewart of Darnley, and Sir Alan had a son of the same name, this circumstance, or the hurry of writing, or the having abbreviated the word Alexander, and mistaking it for Alan, and the intricate nature of genealogical deductions, might have given rise to the error, or it may be no more than a typographical erratum; at any rate it ought not to be considered as tending to invalidate Anderson's testimony. In the case of the Earl of Sutherland against the Earl of Crawford, two persons in the enumeration of the plaintiff's ancestors had been accidentally omitted, and the error was afterwards corrected; this circumstance was objected to on the part of the defendant, who complained, p. 96. That "*two persons to make the computation agree with the retour*, were thrust into the series." But this objection was over-ruled, and the omission was not considered as subversive of the credibility of the genealogical history of the family. By parity of reasoning, so inconsiderable an error ought not to be considered as invalidating the evidence of Sir William Stewart's descent from Sir Alexander Stewart, of Darnley. In fact there is no error, no omission, let but the paragraph in question, and that which immediately follows, in the "genealogical table, interchange situations, and the evidence will be exact, consistent, and complete. There is a palpable anachronism in the account as it stands at present. Sir Alan

From a view of the tables, it would appear, that two lines through the inadvertency of a negligent compositor, had been inserted in an improper place; notwithstanding this trifling error, such is Anderson's general accuracy, and such were the opportunities which he had of examining all the evidence on the subject, that his testimony ought to be considered as of the highest credibility. The late Mr. Comyn, secretary to the Society of Antiquaries, at Edinburgh, was of opinion, that Anderson's evidence of Sir William Stewart's descent from the House of Darnley, might be relied upon as decisive, and as of sufficient authority.

Alan Stewart, of Dreghorn, was killed in battle, in the year 1333; had he had a son of the name of William, (which he had not) he must have been too much advanced in age in the year 1400 to support the fatigue of the active campaign, in which Sir William Stewart, of Jedburgh, is known to have been engaged. But restore the passage to its natural situation, and the account will stand the test of chronological examination. For Sir Alexander Stewart, of Darnley, is often mentioned about the year 1360, between that period, and the year 1396, when Sir John Stewart, of Jedburgh, married Dame Marion Stewart, of Dalswinton; there is an interval of near forty years, a space of time sufficient to allow Sir Alexander's grandson to arrive at the age of maturity, without extinguishing the martial ardour of his son. Anderson may fairly be understood then to have intended to give this account of the Jedburgh family; to conclude otherwise, would be to suppose him guilty of advancing an absurdity, an egregious anachronism, which, in so judicious an author, is improbable and incredible. But it is a matter of little consequence, whether Sir William Stewart, of Jedburgh, was the son of Sir Alan, or of Sir Alexander Stewart; in either case, he must have descended from the House of Darnley, and his posterity must be the nearest relatives of the Darnley family.

Crawfurd, in his Peerage of Scotland, gives a similar account of Sir William Stewart, of Jedburgh. " Sir Walter Stewart, " Lord of Dalswinton, who lived in the time of king Robert " IIId. and IIIId. having no male issue of his own body, in the " year 1396, married his only daughter to John Stewart, Esq; " son and heir of Sir William Stewart, sheriff of Teviot-dale. " *This Sir William was a son of the family of Darnley, after-*
" wards

“wards Earls and Dukes of Lennox, as appears from the
 “patent creating Sir Alexander Stewart, Lord Garlies, in the
 “year 1607, and several other accounts.” Crawford’s Peerage
 of Scotland, p. 157. This may be considered as a direct evi-
 dence in support of the statement that has been made, for if
 Sir William was a son of the family of Darnley, he must have
 derived his existence from a father who lived near his own
 era, consequently he must have been the son of Sir Alexander,
 who is frequently mentioned from the year 1360, to the year
 1400, and the brother of Sir John Stewart, whose name fre-
 quently occurs in history, from the year 1383, to the year
 1429. The same author, in p. 158 of his Peerage, has the
 following words, speaking of Sir Alexander Stewart of Garlies,
 “by his Majesty’s favour, raised to the dignity of Lord
 “Garlies, by letters patent, the 2d of September 1607. His
 “descent from the illustrious family of Lennox, being one of
 “the principal reasons for bestowing the honour.”
 But correct as Crawford is generally esteemed in his genea-
 logical deductions, he is not devoid of faults; in his notes on
 Ragman Roll, in the Appendix to the second volume of
 Nisbet’s System of Heraldry, he gives an account of *John*
Stewart of Jedwith, mentioned in the chartulary of Kelso, in
 the year 1323, apparently different from the genealogical
 statement which he had made in the Peerage of Scotland. For,
 from the circumstance of Sir John Stewart, the brother of Sir
 Alan Stewart, of Dreghorn’s having been slain at Hallidown-
 hill, in the year 1333, he seems to have concluded, that the two
 John Stewarts of 1323 and 1333, must have been one and
 the same person, not considering that Sir John Stewart of
 Darnley, the son of Sir Alan, is mentioned in the year 1335.
 (Vide

(Vide Macfarlane's Collection in the Advocates' Library,) and that there are several arguments which might be adduced to shew that it must have been the son of Sir Alan, who had the estate of Jedworth, in the year 1323, and not his brother, for the latter left no issue, and was designed not *de Jedwith*, but *de Daldon*, as has been proved by David Symson and Lord Hailes, (see p. 89 of this work). But it was Crawford's custom to throw out hints on every question, sometimes hostile to his own opinion, in order to place it in different points of view, and excite discussion. He does not appear, however, to be very strenuous in his opinion, relative to the person who was in possession of the Jedworth estate, in the year 1323, for his expressions are, *whom we reckon, was, Sir John's youngest son*, which seems to imply, that he did not consider that fact to be very accurately ascertained, and on enquiry it will be found to be contrary to the clearest evidence, for John was not Sir John Stewart, of Bonkill's *youngest son*, he had at least two others, who were still younger, Sir Hugh, and Sir Robert. Vide Symson's History of the Stewarts, p. 64. And John left no issue, and therefore could not be the progenitor of the Stewarts of Jedworth. To make this part of the evidence then consistent, and reconcile Crawford to himself, it must be admitted, that a trifling inaccuracy, either through the error of the press, or of the pen, has crept into this passage, respecting John Stewart of Jedworth; and that instead of the *son* it was meant to represent him as the *grandson* of Sir John Stewart, of Bonkill, and that in place of *Sir John's youngest son*, we should read, *Sir John, Sir Alan's youngest son*, for Sir John, Sir Alan's son, was in possession of the Darnley estate, and Sir William

P

Stewart,

Stewart, of Jedworth, being descended from him, might very consistently, agreeable to the evidence, be described as descended of the *House of Darnley*. With this explication, the remarks on Ragman Roll, or the list of Scottish Chieftains, who swore fealty to Edward Ist, will be perfectly intelligible, and consistent with the evidence that has been adduced.

“ *John Senescall de Jedwith*, he, in the opinion of a very
 “ great * antiquary, was the same John Stewart, who is, in
 “ other places of this fealty, designed *frater Germanus Jacobi*
 “ *Senescalli Scotiæ*, grandfather to King Robert II. and was the
 “ root of the Stewarts of Buncle, and the same brave gallant
 “ man that was slain in the service of his country at the battle
 “ of Falkirk, anno 1298. He had many sons, of whom sprang
 “ a great many illustrious branches of the serene race of the
 “ Stewarts. Sir Alexander Stewart, his eldest son, designed of
 “ Buncle, was upon the forfeiture of the English family of the
 “ Umfraville's, created Earl of Angus, in 1327. Sir Alan,
 “ another son, was the stem of the noble family of the Stewarts
 “ of Darnley, from whom flowed the Earls and Dukes of Len-
 “ nox, which failed in 1672, to whom his majesty King
 “ Charles II. succeeded, as his nearest and lawful heir-male.
 “ Sir Walter, the third son, of whom the Stewarts of Dalswin-
 “ ton, of whom are the House of Garlies, the Earls of Gallo-
 “ way, by an heir of line and at law. Sir James Stewart, of
 “ Pierstoun, in Cunninghame, of which Innermeath, Lorn,
 “ both Lords of Parliament, Rosyth and Cragie-hall, Gairn-
 “ tully and several of the illustrious families of the Stewarts
 are

* Mr. David Symson, author of the *History of the Stewarts*, and historiographer of Scotland.

“ are branched. John Stewart was the youngest son ^v that I have
 “ seen any authentic vouchers for: he is designed Johannes
 “ Senescallus de Jedwith, and is baillie to the Abbot of Kelso,
 “ in the year 1323,” (and *Johannes Senescallus de Dernley* is
 mentioned in Macfarlane’s Collection, in the Advocates’ Li-
 brary, in the year 1335.) “ William Stewart, of Jedwith, and
 “ Sheriff of Teviot-dale, his ² son, or successor, in the reign
 “ of King Robert III. married his eldest son and heir apparent
 “ to Mariotta Stewart, only daughter and heir of Sir Walter
 “ Stewart, of Dalswinton, anno 1397; of this double race of
 “ the Stewarts, is the Earl of Galloway, as he is also of an heir
 “ female of another brother, as we have observed in this
 “ criticism.”

In another part of the notes on this list of Scottish chieftains,
 p. 30, there is the following passage. “ *John le Senescal de*
 “ *Jedwith*, if this be not Sir John Stewart, of Buncle, as is ge-
 “ nerally agreed by our antiquaries, it must be a very ancient
 “ branch of the Stewarts; but I conjecture it is Sir John of
 “ Buncle, the same called *frater Germanus, Jacobi Senescalli*
 “ *Scotiae*, swearing submission to the English, for different lands
 “ he held in different counties. There is, in the year 1333, a
 “ *John Senescall de Jedwith*, baillie to the abbot of Kelso,
 “ whom *we reckon was Sir John’s* youngest son, and one of the
 “ Earl of Galloway’s progenitors.”

P 2

It

^v i. e. Was the youngest son of Sir Alan Stewart, of Dreghorn and Darnley, for John
 was not the youngest son of Sir John Stewart, of Bonkill, neither did he leave any issue.
 Vide Symson as above quoted.

* Sir William Stewart, of Jedworth, who flourished about the year 1400, could not have
 been his son, but might have been the grandson, or successor, of Sir John, the son of
 Sir Alan Stewart, of Darnley.

It is evident, that some error has crept into this passage; for it is easier to conceive, that an author should fall by the rapidity of composition, into the inadvertency of an inaccurate expression, than that he should designedly contradict himself, or that the evidence collected from the works of impartial authors, should be inconsistent. The singular phrase, *whom we reckon*, seems to imply that the author himself was aware that the ground on which he stood, was untenable, and that his statement could not be supported by credible evidence. The error seems to have originated in his History of the House of Garlies, from whence it was subsequently copied into his notes on Ragman Roll. The following appears to be the passage which proved the source of this inaccurate statement.

“ This Sir Walter Stewart, designed, Walterus Senescalli,
 “ Miles de Scotiâ, got from the king of England, a pension
 “ of a hundred marks out of the Exchequer, during his life,
 “ and the life of Isabell his wife, and their heirs, on condition
 “ that he shall (1st,) serve against all men, * the king of England,
 “ the king of Scotland allenarly excepted. This obligation, or
 “ bond of Manrent, bears date the 27th of April 1399. He died
 “ soon after this, and his daughter Mariota, aforesaid, became
 “ his heir, being then married to John Stewart, son and heir of
 “ Sir William Stewart, of Jedwith, sheriff of Teviot-dale.
 “ (2d,) His father was John Stewart, of Jedwith, youngest son
 “ to Sir John Stewart, of Bunkill, and got off in patrimony,
 “ the lands of Jedwith from his father. In the chartulary
 of

Chartulary
of Kelso.

* Mr. A. Stewart had, from Lord Galloway, a copy of this manuscript, and he quotes the passage relative to Jedwith, &c. but omits this part, whence the errors in the manuscript are not perceived so obviously. Vide Supplement to the History of the Stewarts, p. 35.

“ of Kelfo, I find this gentleman, *John Senescalli de Jedwith*,
 “ sitting as judge and bailiff to the abbot of Kelfo, in the
 “ year 1323. Mr. Symfon, that accurate antiquary on the
 “ royal family, especially with respect to the Stewarts of Dal-
 “ swinton, and Garlies, expressly mentions (3) a John Stewart,
 “ as one of the sons of Sir John Stewart, of Bunkill, and that
 “ he was brother to Sir Alexander Stewart, the first Earl of
 “ Angus; Sir Alan Stewart, the first of the Darnley and
 “ Lennox branch; Sir Walter of Dalswinton, Sir James of
 “ Pearlstown, of whom the Stewarts of Lorn, Innermeath,
 “ Athole, Buchan, and Gairntully, are all lineally descended.
 “ Beside the testimony of Mr. Symfon, which I think of no
 “ little weight, the lands of Jedwith being in the person of the
 “ said Sir John Stewart, of Bunkle himself. And so soon
 “ thereafter in the hands of another John Senescalli, of Jed-
 “ with, who is not a knight, it is somewhat more than a pre-
 “ sumption, especially *in re tam antiqua*, that he was no other
 “ than Sir John Stewart, of Bunkle’s son, (4) and so a branch
 “ of the family of Lennox, who came to represent Sir John
 “ Stewart, of Bunkle, as his heir male; and this the sovereign
 “ himself ^b acknowledges, that the House of Garlies was
 “ branched from the Duke of Lennox’s family, in the patent
 “ creating Alexander Stewart, of Garlies, Lord Garlies, anno
 “ 1609, he married a ^c lady of the family of *Turnbull*, of the
 “ House of Minto, by whom he had a son who was his succes-
 “ sor in the lands of Jedwith.” MS. *penes comitem de Gallo-*
 way,

^b An evident proof, that Sir William was regarded as descended from Sir Alan Stewart, of Dreghorn, *the first of the Darnley and Lennox branch*.

^c The marriage of the lady, of the Turnbull family, is evidently placed at the wrong period.

way, p. 9, 10. In order to correct the errors in these passages, it should be observed, that the manuscript from whence they have been extracted, is only a copy, and that the transcriber has fallen into several inaccuracies. In the (1st) passage quoted from Rymer, relative to Sir Walter Stewart, of Dalswinton, we find in the copy, "that he shall serve against all men, the king of England, the king of Scotland allenarly excepted," instead of, *he shall serve against all men, for the king of England, the king of Scotland only excepted*, as may be seen by referring to Rymer's *Fœdera*, Vol. VIII. p. 81. In the (2d) exceptionable passage, something relative to Sir Alexander Stewart, of Darnley, appears to have been omitted, for one generation, as has been before observed, vide p. 89, could not well extend from the year 1323, to the year 1400, without impairing the vigour and activity attributed to Sir William Stewart, at the latter of these periods. The sentence, "*his father was John Stewart, of Jedwith, youngest son of Sir John Stewart of Buncle*," in all probability should be, *his father was John Stewart, of Jedwith, youngest son of Sir Alan Stewart of Darnley, the son of Sir John Stewart, of Buncle*; the word SON, in two different parts of the sentence having led the transcriber into an error. In the (3d) exceptionable passage, there evidently appears to have been an interlineation which the copyist inserted in a wrong place in the text, for it is not probable, that Crawford should mention the *youngest son first*. The passage therefore should be read, "*Mr. Symson*,"—" *expressly mentions a John Stewart as one of the sons of Sir Alan Stewart, the first of the Darnley and Lennox branch, one of the sons of Sir John Stewart of Buncle, and that he was brother to Sir Alexander Stewart, the first Earl of Angus*."

" Sir

" *Sir Walter, of Dalswinton,*" &c. In the (4th) passage objected to, "*that he was no other than Sir John Stewart of Buncle's son,*" should be read, "*that he was no other than Sir John Stewart,*" the son of Sir Alan Stewart, of Darnley, "*Sir John Stewart of Buncle's son.*" For a descent from Sir Alan alone, "*the first of the Darnley and Lennox branch,*" could justify the expression, *and this the sovereign himself acknowledges, "that the House of Garlies was branched from the Duke of Lennox's family."* And the supposition that it was John Stewart, the grandson, that possessed the estate in 1323, can alone give force to the reasoning, relative to *the lands of Jedwith*, being in the *hands of a person who is not a knight*, for it may appear consistent that the *grandson* of Sir John Stewart, of Bonkill, who died in the year 1298, should not be of sufficient age in the year 1323, to be created a knight, though it is probable that his *son* had received that honour several years before; for it may be proved from Hollinghed's Chronicle of Ireland, from Lord Hailes's Annals, &c. (vide Appendix, No. 1,) that Sir Alan Stewart, of Darnley, the other *son*, was a knight, prior to the year 1315, and it is probable; that John Stewart, Sir Alan's brother, had received that honour equally early, for a *Sir John Stewart* is often mentioned in Barbour's Poem on King Robert Bruce, about that period. The argument relative to the *lands being so soon* in the possession of John Stewart, is intended to prove that it must have been one of the same family, as it is not likely, that within so short a period, when there existed so few of the name, the estate should be transitted to *John Stewart*, who was not of the family; but as the *grand-son*, Sir John Stewart, of Darnley, is mentioned in the year 1335, as well as in the year 1323, it is
much.

much more likely he should have inherited the estate of Jedworth, from his father, Sir Alan, who was the second son of Sir John, of Bonkhill, than that the latter should have given it to one of his younger sons, while he gave no landed property to other brothers who were still older. Beside that, John Stewart, the son, as has been already observed, had no issue, and therefore could not be the ancestor of the Stewarts of Dalswinton, and was designed *de Daldon*, and therefore does not appear likely to have been the person described as *John Stewart de Jedwith*. Such are some of the reasons that suggest the corrections that appear to be requisite in the manuscript that has been quoted, from whence, in all probability, these slips of the pen were inadvertently copied into the notes on Ragman Roll. But whether the errors alluded to sprang from the source that has been mentioned, or whether they were designedly thrown out by Crawford, after his manner, to provoke genealogical discussion, it is evident they were not consistent with his real opinion, from what he has asserted, on other occasions: from the doubtful expressions used in some of the passages that have been quoted; and from the clear unequivocal statement he has given in a work of more celebrity, and evidently written with greater attention. In Crawford's history of the illustrious family of Stewart, subjoined to his history of the shire of Renfrew, the following observation occurs: "I have seen an indenture in the Scots language, dated at Dumfries, in the year 1396, betwixt Sir Walter Stewart, Lord of Dalswinton, on the one part, and Sir William Stewart, sheriff of Teviot-dale, (*descended of the House of Darnley*,) on the other, wherein it is agreed, that John Stewart, *the son and heir* of the said Sir William, shall marry and have to wife, Marion Stewart, the
" only

“ only daughter of the said Sir Walter, with whom he obliges
 “ himself to give six score of marks in tocher ; and if it should
 “ happen that he have no other heirs of his body, that the said
 “ Marion should be his heir.”

If Sir William Stewart, sheriff of Teviot-dale, or of Jedworth, was descended of the House of Darnley, he must evidently have descended from Sir Alan Stewart, of Dreghorn, who, according to Crawford himself, was *the first of the Darnley and Lennox branch* ; Sir William must therefore have been the *son or successor*, as Crawford expresses it, of Sir John Stewart, of Darnley, and Jedwith, mentioned in 1323, and 1335, who was the second son of Sir Alan, and the grandson of Sir John Stewart of Bonkhill and Jedworth.

This appears to have been likewise the opinion of Duncan Stewart, the author of the history of the Stewart family, who had access to many genealogical documents that are now lost. In his account of the origin of the family of Castlemilk, he has the following remarkable passage, “ Sir William Stewart, sheriff
 “ of Teviot-dale, is said to be a son of the family of Darnley, Sir
 “ Alan of Dreghorn and Darnley being the elder brother,
 “ since the family of Angus, by that time was extinct. This
 “ Sir William was one of the commissioners appointed to treat
 “ of a truce with the English in 1397;—his sons were, 1st, John,
 “ who married his cousin, the heiress of Dalswinton.” Duncan Stewart’s *Genealogical History of the Stewarts*, p. 197, 4to Edinburgh.

The testimony of Duncan Stewart merits much attention ; he possessed great diligence, had every opportunity of acquiring
 Q information,

a In fact he was his great grandson.

information, and succeeding so many able genealogists, reaped every advantage to be derived from their labours. He, as well as Anderson, after a close investigation of the subject, gave his support to the evidence adduced to prove that Sir William Stewart was a son of the family of Darnley. It was the uniform opinion of all authors. There is no instance of any difference of sentiment on the subject. Inadvertencies and accidental errors in voluminous writers are unavoidable in a long series of genealogical deductions, but they may be readily discovered and easily corrected. When Anderson represents Sir William as the brother of Sir John Stewart, of Darnley, his statement is corroborated by all credible authors, and every authentic document; but when he inadvertently makes him the son of Sir *Alan*, instead of the son of Sir *Alexander* Stewart, the error, though of no material consequence, is immediately detected, by an appeal to chronology, and the dates of the transactions in which they were engaged. Nisbet, with his usual accuracy, gives a correct account of the descent of the family, but when he states that Sir William Stewart, of Jedworth, married the heiress of Dalswinton, the mistake is obvious, for the contract of marriage is still extant, (vide the Appendix, No. 2.) which demonstrates that it was Sir John, the *son* of Sir William, who was affianced to Marion Stewart: and when Crawford calls *John Stewart of Jedwith*, mentioned in the year 1323, *the son*, instead of *the grandson* of Sir John Stewart, of Bonkill, the error is demonstrable, for the *son* was designed *de Daldon*, and left no issue, and therefore could not be the ancestor of Sir William Stewart, of Jedworth. And lest the mistake should give rise to future difficulties, the same author,
in

in the two most important of his works, the Peerage of Scotland, and the History of Renfrewshire, in concurrence with the testimony of all authors, represents Sir William Stewart, of Jedworth, *as a son of the family of Darnley*, and consequently as descended from Sir Alan Stewart, of Dreghorn, who, by his own account, *was the first of the Stewarts of Darnley*, and as descended from him, through his son Sir John Stewart, of Jedworth and of Darnley, mentioned in the years 1323, and 1335. Douglas, who had incautiously copied Crawford in his error, follows him likewise in the correction of it, and represents Sir William as of the House of Darnley, and as the ancestor of the Stewarts of Dalswinton, who were ennobled on account of their descent from that house.

Sir James Balfour, in his genealogical account of noble families, a MS. in the Advocates' Library, Edinburgh, has the following passage: "Alexander Stewart, Lord Garlies, knight, *a cadet of the Stewarts of Darnley*, himself being the sixteenth of the family, and the thirteenth heir male of one line, the eldest of the House successively succeeding other, by the name of Alexander, was by King James VI. created Earl of Galloway, by letters patent, bearing date at Theobald's, the 19th of September, 1623."

Advocates'
Library,
Edinburgh.

Camden, in his Britannia, Gibson's edition, Vol. II. p. 1202, asserts, that "the title of Lord Galloway fell afterwards to the family of Douglas, and since to the family of Stewart, of Garlies, which being first dignified by King James the VIth, with the title of Lord Garlies, was farther raised by the same king to the dignity of Earl of Galloway, on account

Camden's
Britannia.

Q 2

* The History of the Stewart Family, at the end of the History of Renfrewshire.

" count chiefly of *their descent from the illustrious family of*
" Lennox."

More authorities to the same tendency, may be seen in the View of the Evidence, p. 93, but to quote every writer who corroborates the evidence that has been adduced, would be to cite every author, whether in print or manuscript, who has treated on the subject for three centuries.

Some modern authors, however, who have examined this subject with more accuracy and attention, have placed it in a very explicit and luminous point of view. Mr. John Brown, in his genealogical table of the Stewart family, (of whose work it has been said, by a learned and elegant¹ author, that " it is, " without doubt, one of the most ample and correct views of " any surname ever delivered to the public,") very accurately and apparently from the best authority, represents Sir John Stewart, of Jedworth, mentioned in the chartulary of Kelso, in the year 1323, as the son of Sir Alan Stewart, of Dreghorn, and Darnley. He likewise states that Sir John was the father of another Sir John, who was the father of Sir Alexander Stewart, of Darnley, whose *second son*, Sir William, contracted his eldest son to the heiress of Dalswinton. Every step of which descent appears to be fixed on the most solid foundation.

This accurate statement is amply corroborated by the very able and ingenious author of the Genealogy of the Stewarts refuted, in p. 27, of which valuable work we have the following passage.

" Sir Alan Stewart, of Dreghorn, who attended Edward
 " Bruce to the war in Ireland, A. D. 1315, and was killed at
 " the battle of Hallidon-hill, 1333. From him have sprung
 " the

¹ The Genealogy of the Stewarts refuted, p. 137, 8vo. Edinburgh, 1799.

“ the Lords Darnley, and Aubigny, the Earls and Dukes of
 “ Lennox, and Earls of Galloway, with the cadets of the
 “ latter; the Stewarts of Castlemilk, and their descendants of
 “ Arthurley and Torrance; likewise those of Halling, Raifs,
 “ and Barscube. After the union of this with the Dalswinton
 “ line, the following families likewise came from the same
 “ stock, namely, that of the Lords Blantyre and Blessington,
 “ together with the Stewarts of Barclay, Phisgill, and Castle-
 “ flewart. Of Henry Lord Darnley, who, A. D. 1565, mar-
 “ ried Mary, queen of Scots, no male offspring now remains,
 “ except Henry Cardinal de York; after whom this branch
 “ will be represented by the Earl of Galloway.” Genealogy
 of the Stewarts refuted, p. 27.

“ Sir Alexander Stewart, of Darnley, grandson to Sir Alan,
 “ already mentioned, flourished about the middle of the 14th
 “ century. *By his marriage with Janet Keith, heiress of Gals-*
 “ *town, and widow of John Hamilton, of Rossaven, he had five*
 “ *sons and one daughter;* as may be seen by the genealogical
 “ *tree, &c.* He died between 1396, and 1406. His eldest son
 “ was Sir John Stewart, of Darnley, who afterwards became
 “ so eminent in France, as constable of the Scottish army, and
 “ as Lord d’ Aubigny, and Count d’ Evreux, and his second
 “ son, Sir William Stewart, of Jedworth, and Castlemilk,
 “ who was the immediate ancestor both of the Earls of Gallo-
 “ way and the present Stewarts of Castlemilk, the *Cadets* of
 “ their family.” Genealogy of the Stewarts, refuted, p. 32.

This genealogical statement is extremely correct in every re-
 spect, except with regard to the account given of Janet Keith.
 It has been already stated, p. 31, of the preceding sheets, that
 though Sir Alexander Stewart, of Darnley, was indubitably
 married

married to her; she could not have been the mother of his children, and consequently that he must have been previously married. Neither are there any proofs whatever, that she was the widow of John Hamilton, of Rossaven; this is merely founded on a vague conjecture suggested in Mr. Andrew Stuart's *Genealogy of the Stewarts*, p. 93, who says, "*there is reason to presume that the first husband of Janet Keith, of Galstoun, was the first-mentioned John de Hamilton, of Rossaven,*" But a charter already quoted irrefragably proves she was married to Sir David Hamilton, of Cadzow, who was alive in the year 1378; the supposition, therefore, of the existence of two different Janet Keiths at the same period, who might have been married to two different persons of the name of Hamilton, can only be considered as the effort of a fertile imagination, having recourse to invention, in order to remove difficulties, and support a favourite hypothesis. By the same rule, on an emergency, any given person might be multiplied ad infinitum, and the Gordian knot of a noble descent be at once unravelled. On examination it will be found, that there is no foundation whatever for the conjectures in the *Genealogical History of the Stewarts*, relative to two Janet Keiths, and as little perhaps for the account given of two Sir Alexander Stewarts of Darnley. The charter by John, Earl of Carrick, in favour of Sir Alexander Stewart, and Janet Keith, is without a date, and it cannot be fixed in the year 1371, without offering violence to other authentic charters. Sir Alexander had a son, Sir Alexander, who, on the resignation of his *step-mother*, Janet Keith, had a grant of the lands of Gallistoun, which had been her property, and in the decret of the Baron Court of Cambusnethan, dated 1390, he is accordingly designed *Alexander Senescall, Dominus de*

de Gallifon ; but he never succeeded to the Darnley estate, because he had elder brothers, who left issue. An attentive perusal of the charter itself, which is given at large in the Appendix, No. IV. will, it is apprehended, place this subject in a clear point of view. With every deference to the talents and discernments of the elegant author of the *Genealogy of the Stewarts Refuted*, & it would have been considered as an act of injustice not to notice these trifling errors, almost the only instances of inadvertency to be met with in so large a work, and even this perhaps flowed from too great a partiality for the opinions and ingenious reasoning of Mr. Andrew Stewart.

In a long chain of evidence, it cannot be expected that every part should appear equally impregnable. Among a number of witnesses, though the general tendency of their testimony may be correct ; when they come to be separately examined, several inadvertences may be discovered. One, though his account of the fact may be correct, shall be found erroneous with regard to his description of the place, and another, though exact as to the time and place, shall be mistaken with respect to the order of the events that preceded the circumstance he is called upon to attest. But it is remarkable, that all the authors cited to prove the *descent of Sir William Stewart, of Jedworth, from the House of Darnley*, though born at distant periods, and living

§ The writer of these pages cannot help observing that he differs on one other subject from the opinion of the author of the *Genealogy of the Stewarts Refuted*, it is hinted in p. 59, of that work, “ that by a scholar, it would have been observed, on the same ground, “ that he (Luodovic Micquelloi) was a great admirer, as well as an imitator of Livy and “ Tacitus.” It is rather believed, that he was an admirer, and often a successful imitator of Sallust, *Tum Spectacul. m. horribile in campis patentibus, sequi, fugere, occidi, capi, multi vulneribus acceptis, neque fugere posse, neque quietem pati, niti modo, et statim concidere*, p. 58, &c. are almost the very words of Sallust, in his History of the Jugurthine War.

living in different countries, concur in every material part of their evidence; and where any of them happen to prove erroneous, the error is so obvious that it may be corrected by a reference to some ancient charter, or so palpable that it betrays its own source. The author, however, that claims the most particular attention on this subject, is Mr. Andrew Stuart, who in his *Genealogical History of the Stewarts*, hath given the evidence every support, and every illustration in his power.

“ He had been accustomed to believe, because he had often
 “ heard it asserted, that Lord Galloway’s family had the best
 “ pretensions to be at the head of the Stewarts after Cardinal
 “ York’s death.^a Though unwilling to engage in any thing
 “ that might be likely to consume much time, or to occasion
 “ much trouble, he engaged in the study of the genealogical
 “ history of the Stewart families, with a view to assist his Lord-
 “ ship in the enquiries which he was then most anxious should
 “ be made for ascertaining to whom the chiefship of the fa-
 “ mily would belong, after the death of the Cardinal York.

“ He was the more readily induced to agree to Lord Gallo-
 “ way’s request, on account of the distinguished favour and
 “ and friendship which he had for many years enjoyed from
 “ his Lordship’s father, the late Earl of Galloway, with whom
 “ he had the happiness of living in great intimacy while they
 “ were joint guardians to the Duke of Hamilton; and the
 “ friendship thus commenced had laid the foundation for much
 “ amicable connection with his Lordship’s family ever since
 “ that period. Accordingly, upon going to Scotland, he did
 “ bestow a good deal of time and labour in fulfilling the pro-
 “ mise

^a Preface to the *Genealogical History of the Stewarts*, p. ix.

“ wife he had made.”ⁱ To facilitate the accomplishment of so arduous an enterprize, every paper collected by the author of these sheets, and by others who had investigated the History of the Stewarts, were laid before the elegant historian of the House of Stewart, and every aid was given him that was thought conducive to the completion of the work. In the year 1787, a paper was drawn up by him on the subject entitled a “ Memorial, relating to the ancestors of the present Earl of Galloway, made out after perusing several papers, furnished by Lord Galloway to Mr. Stuart, and particularly the papers and observations drawn up by Mr. Williams.”

In the course of that year the author of the Genealogical History, paid a visit to a lady in Scotland, ^k “ the conversation turned upon the strange indolence, or want of curiosity, which pervaded many families, that no pains had been taken to learn any thing concerning the ancestors from whom they had derived their existence.”^l After a hint with regard to the pretensions of her own family, founded on the authority of a great collection of old papers and parchments, which she had very fortunately and opportunely met with, and after a good humoured reproach of the author, as an unworthy cadet of her house, ^m “ the lady produced a bundle of old papers, and charters, as a specimen of what she had discovered. In that bundle was found an original charter, which had been granted near four hundred years before, by Archibald, Earl of Douglas, in favour of John de Park, to which *Sir William*

R

“ *Stewart,*

ⁱ Supplement to the Genealogical History of the Stewarts, p. 93.

^k Preface to the Genealogical History of the Stewarts, p. vii.

Preface to the Genealogical History of the Stewarts, p. vii.

^m Ibid, p. ix.

" *Stewart*, described of *Castlemilk*, and as *cousin to the Earl of Douglas*, was one of the witnesses."

Though there are many reasons for concluding that this charter had originally belonged to the Earl of Galloway's collection, from whence, through the negligence, or inattention of Symfon, the historiographer, who had been entrusted with it, it strayed, in all probability, into the hands of Hamilton, of Wisshaw, the celebrated ^a antiquary, who, about the beginning of the present century, presented it to the proprietor of the Castlemilk estate, on the supposition that one of the witnesses mentioned in it was one of his ancestors. On the late discovery of this deed, the history of which is thus traced, it became necessary, in order to gratify the flattering ideas it excited, to say something of the antiquity of the house of Castlemilk; accordingly the materials furnished for the Earl of Galloway, were new modelled, others were collected from different sources, a new plan was formed, and a splendid but baseless fabric raised to please the ^o taste for antiquity an old lady had conceived, for which it seemed admirably calculated. But there was nothing in this inconsistent with the plan, which the author of the Genealogical History of the Stewarts had originally designed, or the attachment which he discovered, or the fidelity which he owed, to his chief of the House of Galloway. For the whole of the work which he constructed, when duly examined, will be found formed to strengthen and support, in the most effectual manner, the genealogical line of the Stewarts of Dalswinton, and Garlies, while the ponderous fortrefs erected

^a Vide View of the Evidence, p. 25, 26. Nisbet's Appendix, p. 254.

• Vide The Preface to the Genealogical History of the Stewarts, p. 8, 9, &c.

erected on the ruins of Castlemilk, however formidable in appearance, is planned with such singular ingenuity, that on the slightest attack it must completely destroy itself, without annoying its assailants. For it is a sort of fortification so contrived, that one bastion must play upon the next to it, and one battery silence the other, round the whole works. For instance, nothing can be more destructive in appearance, than the piece of ordnance pointed in p. 335, of the *Genealogical History*, at the author of the *View of the Evidence for Lord Galloway*, where it is roundly asserted, “ that the *second* Sir William Stewart, of “ Castlemilk, is *only* to be found in the paper drawn up on the “ part of the Earl of Galloway;” this in appearance is sufficient to annihilate the credit of the writer of the *View of the Evidence*, and demolish all his works; but the author of the *Genealogical History of the Stewarts* has no such intentions, he has in reserve, a masked battery, so well directed, that it must effectually dismount this terrific piece of ordnance, before it can do any execution. For, in the *Genealogical History*, Duncan Stewart’s *History of the Stewarts* is often mentioned, and often referred to; it is natural for every enquirer into the origin of the House of Stewart, therefore, to consult that author particularly on the subject of the ancient splendour ascribed to the fortrefs of Castlemilk. And on reading the following passage, his apprehensions for the safety of the writer of the *View of the Evidence* must be completely removed. “ Sir “ William Stewart, Sheriff of Teviot-dale, is said to be a son “ of the family of Darnley, Sir Alan, of Dreghorn and Darnley, “ being the elder brother, since the family of Angus, by that “ time was extinct. This Sir William was one of the com- “ missioners appointed to treat of a truce with the English in

“ 1397. He was one of the conservators of the peace on the
 “ borders. He received to the value of one hundred pounds
 “ of the French money sent to help to carry on the war with
 “ the English. He was at the breaking of the bridge of Rox-
 “ burgh. He was sheriff of Teviot-dale. He seems to have had
 “ three sons, 1st, John, who married his cousin, the heiress of
 “ Dalswinton, 2d, WILLIAM WHO WAS CASTLEMILK, and
 “ 3d, Walter, designed of Arthurley.” Duncan Stewart’s His-
 tory of the Stewarts, p. 197.

There cannot be a more unexceptionable author cited on the subject than Duncan Stewart, because he appears to have studied attentively every writer who preceded him, and because he regularly adduces his evidence for every fact he asserts; and there cannot be a more decisive contradiction to the assertion, that “ the second Sir William Stewart, of Castle-
 “ milk, is only to be found in the paper drawn up on the part
 “ of the Earl of Galloway,” than the above passage. For Sir William is represented in it as the person who possessed both the estates of Jedworth, and of Castlemilk, and as the father of Sir John Stewart, who married the heiress of Dalswinton, and of Sir William Stewart, who carried on the Castlemilk line. The author of the Genealogical History could not have been ignorant of this passage, because it is extracted from a favourite writer, it respects the origin of his own family; the assertion in opposition to it, therefore, can only have been hazarded to give a fair opportunity of quoting it, and by that means to enable it to make a greater impression. Sir Robert Douglas is likewise often cited by the author of the Genealogical History. But Sir Robert Douglas, in his Baronage of Scotland, in a similar manner mentions a *second* Sir William Stewart, of
 Castlemilk,

Castlemilk, and as far as his authority can be relied on, strenuously supports the evidence of Duncan Stewart. His words are, "Sir William Stewart, of Jedworth, or Jedburgh, was afterwards designed of Castlemilk, which has ever since continued to be one of the chief titles of his posterity."—"He had issue, two sons.

" 1st. John, who married his cousin Marion, heiress of Dalswinton, and was progenitor of the Earls of Galloway, &c.

" 2dly. William, afterwards Sir William, who carried on the line of the family of Castlemilk, &c."

The author of the *Genealogical History of the Stewarts*, frequently quotes Sir Robert Douglas, and was well acquainted with the account which he gives of the origin of the Castlemilk branch; the affirmation that "the second Sir William Stewart was only to be found in the papers drawn up on the part of the Earl of Galloway," must therefore either have been the effect of a defective memory, or have been made public, in order to give an opportunity to cite those authors who relate the fact in the most satisfactory manner; like cross-examining a witness, in order to extract from him the answer that will best tend to forward a friend's cause.

There are other instances in the same work, where the sword appears to be drawn, and a formidable blow seems to be aimed at the humble author of these sheets, but in an instant the shield is extended with the other hand, on which the weapon innocently falls, and no person is injured. In pages 351, and 352 of that work, ^p reference is made to a passage in the *View of the Evidence*, p. 27, where it had been naturally inferred,
because

^p *Genealogical History of the Stewarts*, p. 351, 352.

because Walter Stewart, of Arthurley, is called *the son of Sir William Stewart of Castlemilk*, in a charter dated A. D. 1439, and the *son of the deceased Sir William Stewart, of Castlemilk*, in a deed executed February 1st, 1440, that the father, (Sir William Stewart,) must have died in the interval between those two periods. And much severity of censure is passed upon this conclusion; but lest that censure should give a moment's uneasiness, the author of the Genealogical History takes care to privately discover that that mode of reasoning has his most cordial approbation, for he sanctions it by his own authority; "There was, probably, not much distance of time between the granting of these two charters," (deeds previously mentioned, and dated at different periods) "as they were both of them granted by Robert, while Steward, in favour of the same person; they prove, however, *that in the interval, between the one and the other, Sir John Stewart, Lord of Cruckistoun, or Darnley, had died.*" Genealogical History, p. 77, 80, &c. The same species of argument is adopted in p. 172 of the same work. An evident proof, that no impropriety was, in fact, discovered, in concluding, when a person is described as alive in one deed, and as *deceased* in another of a subsequent date, that he must have died in the interval.

Public Records, Lib.
No. 137.

One of the deeds alluded to in the View of the Evidence, is a charter under the Great Seal, dated February 1st, 1440, wherein Walter Stewart, of Arthurley, is called son of the deceased, Sir William Stewart, of Castlemilk, who, according to ⁹ another

⁹ The argument in the View of Evidence, p. 27, relative to the existence of two Sir William Stewarts, of Castlemilk, has been most ably supported by the learned and ingenious author of the Genealogy of the Stewarts Refuted. "It may be observed, that these two charters so justly noticed by Mr. Williams, are not the only documents produced by the author

deed of a previous date, and a mode of reasoning sanctioned by the example of Mr. A. Stewart, was alive in 1439, and had died in the interval between that and February 1440. But it is contended in the *Genealogical History*, p. 153, &c. that the *first* Sir William Stewart, was killed at the siege of Orleans, in the year 1429, consequently a complete answer is given by the author himself to the passage that occurs in page 355 of that work, stating, that "no author has ever doubted of Walter Stewart, of Arthurley, having been the son of the first Sir William Stewart, of Castlemilk. Neither is there any evidence of a *second* Sir William Stewart, of Castlemilk, who.

"author of the *Genealogical History* of the Stewarts, subversive of his own pretensions. So sure is truth, in the end, to become apparent, that even all the diligence he has used to confound the two Sir William Stewarts, has not been able to conceal it. There is another deed quoted by himself (Part VII. p. 335, 336.) viz. a decret by Sir John Forrester, of Corstorphin, chamberlain of Scotland, dated A. D. 1430, and now in possession of the Town of Renfrew. It was pronounced by the chamberlain, in a dispute between that place and the Town of Dumbarton, relative to their respective rights of fishing in the river Clyde. In this document are recorded the names of a Jury, which met the 22d of November, 1429, on the business, and among others, are

"Alan Stewart, Lord of Darnley,

"Robert Stewart, Lord of ———

"Alexander Stewart, ———

"*David Stewart, Lord of Finnart.*

"The Alan Stewart here mentioned, he admits to be the eldest son of Sir John Stewart, of Darnley, who having been killed about nine months previous to the meeting of the Jury (i. e. before Orleans, in February 1429) his son of course adopted the designation of Darnley. But David Stewart still continued *Lord of Finnart*, although the author of the *Genealogical History* pretends that it was his *father*, and not his grandfather, who was killed before Orleans; whereas, had this really been the case, he certainly would, as well as Sir Alan, have appeared in possession of the paternal estate, and been designated of Castlemilk. The fact seems, however, to be, that no document can be produced of his assuming the latter title, till the death of his real father, the younger Sir William Stewart, A. D. 1440." *Genealogy of the Stewarts Refuted*, p. 27.

“ who could possibly have been the father of Walter Stewart, of Arthurley.”

Johannes de Foresta is mentioned in the Genealogical History, Supplement, p. 38, as one of the ancestors of the Earl of Galloway, but there is no evidence given to prove that he was of the Stewart family, or in what forest he resided. There were several forests in Scotland, and John was so common a name, that it would be deemed an unjustifiable conclusion to infer, from the accidental mention made of *Johannes de Foresta*, A.D. 1386, in the *Fœdera Angliæ*, Vol. VI. p. 584, that he must have been one of the ancestors of the Stewarts of Jedworth. It is not certain that he was of the Stewart family. *De Foresta* may be there used as the Latin appellation of the Forester family, as *de Monte acuto*, for the family of Montague. But to prove that the designation of *De Foresta* was not confined to the name of Stewart, a charter cited in the Genealogical History, p. 324, mentions “ Mattheo de Geddes ecclesiæ sanctæ Mariæ DE FORESTA rectore.”

But whoever this Johannes de Foresta was, whether of the family of *Sir John Forrester* of Corstorphin, or from what house he derived his origin, or in what forest he resided, it appears extremely improbable, that Sir William Stewart of Jedworth should ever have been designed *de Foresta*, for, residing in the then populous town of Jedburgh, that could not be considered as a very apposite description of him. In order to give this, however, a momentary appearance of consistency, it is argued at considerable length in the Supplement to the Genealogical History of the Stewarts, p. 18, that the *town* of Jedworth, and the *forest* of Jedworth, meant the same thing. For
which

which purpose reference is made to Rymer's *Fœdera*, where there are some instances of their being mentioned on the same occasion. In a similar manner might the city of Gloucester, and the forest of Dean be haply mentioned on the same occasion, but that circumstance could hardly prove them to be the same thing. The Supplement to the Genealogical History, however, on this, as well as on other occasions, points out the best correction to its own apparent errors, for reference is made, p. 18, to Rymer's *Fœdera*, and on consulting that author, * Vol IV. p. 616, 618, it is found that Robert de Manners was governor of *Jedburgh town*, at a time when William de Pressen was governor of *Jedburgh forest*, which clearly evinces, that the places subjected to their government, must have been different, unless the two governors, like the royal brothers, celebrated by Statius, can be supposed to have exercised alternate authority, and to have retreated alternately to the shades.

It appears to have been uniformly the opinion of all authors who have written on the subject, that it was the same Sir William Stewart, who, about the year 1398, was designed of Jedworth, and of Castlemilk. But the ingenious author of the Genealogical History, with a sword borrowed from Winton, the writer of the Rhythmical Chronicle, dextrously divides him, abandons one portion of him to the fury of Hotspur Percy, and transports the other to France to make a conspicuous figure at the siege of Orleans. To prevent, however, any bad effects from this operation, by a reference to Crawford's manuscript History of the House of Garlies, (vide Genealogical History
s of

* The same thing is mentioned in Sir David Dalrymple's *Annals of Scotland*, Vol. II. p. 172; and in Rymer, p. 606, 608, Vol. IV.

of the Stewarts, p. 320, and Supplement, p. 19,) care is taken satisfactorily to prove that Sir William Stewart *was one and indivisible*. "In the year 1398, (saith Crawford) he executed the office of Sheriff of the county of Twed-dale, as we find him designed in the contract of marriage betwixt his son, John Stewart, and Mariotta, the daughter and heir of Sir Walter Stewart, of Dalswinton, as we have formerly taken notice in these memoirs. That after this, Sir William continued to use promiscuously the style, sometimes of *Jedwith*, and sometimes of *Castlemilk*, is evident from two different vouchers I have seen, the one is a charter under the great seal, granted by King Robert the third, &c." Crawford then proceeds to state the contents of two charters, which he apprehends fully substantiate the fact that "*de Jedworth*, and

* That Sir William Stewart of Jedworth, and Sir William Stewart of Castlemilk, formed but one and the same person, appears from the proofs that have been cited from Crawford, Douglas, and Duncan Stewart; and it is fully stated in the Appendix, No. 1. and in other parts of these sheets, that the story of Sir William Stewart's execution, as related in the Scotch chronicon, cannot be true. Because the description given of the person there mentioned, is inapplicable to him, and because it appears evident, that he was a prisoner in England, at the time when that event is said to have happened. If the story be at all true, it must be so with regard to Sir William Stewart, of the Forest of Angus, or of some other person of that name, having possessions near Teviot-dale, but unconnected with the Jedworth family. But it seems most probable, that such an event never happened, as the story is rejected by Ridpath, by Hume, and by every author of credit. An historian, as well as a witness, may be correct in one part of his evidence, and erroneous in another. We can only give credit to what appears not improbable, or not inconsistent with the testimony of other respectable witnesses. Robertson's History of Scotland, for instance, may be a book of great authority in general, and yet may be unworthy of credit, in the account given of Mary, Queen of Scots having joined in the conspiracy to murder her husband, Lord Darnley. Mr. A. Stuart, by his own example, sanctions the practice of adopting that part of an author's works, which appears correct, and rejecting what seems improper. It is the conduct which he observes relative to the manuscript History of the House of Garlies. Vide Genealogical History.

and *de Castlemilk*, were different designations occasionally used by the same person. The truth of this statement is confirmed by the testimony of all subsequent authors, as the absurdity of the story relative to Sir William Stewart's execution, is demonstrated by the universal rejection of it, from the works of all historians of any credit. The citation of Crawford's manuscript on the part of Mr. A. Stuart, cannot but be considered as a just application to the ancestor of the Earl of Galloway, of all the evidence collected, with respect to Sir William Stewart, of Castlemilk. The witnesses he himself produces, prove the two supposed Sir William Stewarts to have been only one person, occasionally represented under different denominations, and all the contents of the quarto volume, with regard to Sir William Stewart, of Castlemilk, his exploits in France, and his connections with the Darnley family, only tend to corroborate the evidence that has been adduced to shew that Sir William Stewart, of Jedworth, was the brother of Sir John Stewart, of Darnley, and that he lost his life in the year 1429, at the siege of Orleans.

In the Supplement to the Genealogical History of the Stewarts, printed since the publication of that work, it is objected, that in the passage referred to in Rymer, as a proof of the liberation of Sir William Stewart, from the Tower of London,

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History, p. 320, and Supplement, p. 53. For he pays little attention to the proofs adduced to shew, that the two supposed Sir William Stewarts are to be considered but as the same person in that work. That there are some parts imperfect of that manuscript, is certain. The part which contains the quotation, relative to Sir William Stewart's pretended execution may be of that number. In p. 17 of that work, "John Stewart, of Jedworth," is called "the son of Sir William by *Iffobell* his wife, *aforsaid*," though no previous mention is made of her. History of the House of Galloway, MS. *premier Comte de Galloway*, p. 17.

in the year 1413, "*no mention is made of his name*; on the contrary, (it is added,) the order, dated 12th of April, 1413, directed to the constable of the Tower of London, particularly mentions the persons who were then to be liberated, without any mention of Sir William Stewart, who was a person so considerable, and so well known, both in England and Scotland, that it is most unlikely that his name should have been omitted, if he really had been one of the prisoners released on that occasion."

This, in appearance, is so complete a discomfiture of the forces raised in defence of Sir William Stewart, against the resistless fury of Hotspur Percy, that little hopes can be entertained of their being ever again able to appear in the field. In order the better to enjoy the triumph, the reader of the *Genealogical History* may perhaps be inclined to consult Rymer, and peruse the page referred to in the original; but what will be his surprize to find, that the order quoted, and the names of the prisoners liberated, as inserted in the *Supplement to the History of the Stewarts*, p. 58, have nothing to do with the reference in the *View of the Evidence*, p. 16; and that the order cited as a proof of the liberation by Henry V. of the Scottish chieftains taken at the battle of Fulhoplaw, though occurring in the same page in Rymer, and immediately following the order quoted by the author of the *Genealogical History*, is not at all noticed by him. That the persons in the former order, are all plebeians, and that there is not one person of distinction among them, and that the personages alluded to in the latter appear to be men of eminence, and that the
expressions

† Vide *Supplement to the Genealogical History of the Stewarts*, p. 58.

* expressions used in the mandate for their liberation, are nearly the same with those used in Vol. VIII. p. 162, on their imprisonment. “ Rex Constabulario Turris, &c. Mandamus A. D. 1313
 “ vobis quod *quoscunque* Scotos, &c. sine dilatione deliberari
 “ faciatis,” &c. Rymer, Vol. IX. p. 5.

To cite another paper from the same page in Rymer, in which this royal order occurs, to represent that paper as containing an account of the whole transaction, relative to the Scots prisoners, and to infer, that because a few plebeian names are mentioned, that a complete list is given of all the persons of distinction confined in the Tower at the time, can only have been done with a friendly design, that the original quotation, and the argument drawn from it, might make a deeper impression. For nothing can be more natural, for every one desirous of making himself master of the subject, than to consult Rymer's *Fœdera*, with regard to the justice of the remark, and on attentively perusing the page referred to, he must immediately perceive that the paper cited in the *Genealogical History*, and its *Supplement*, is not the royal order quoted in the *View of the Evidence on the part of the Earl of Galloway*, but the next to it. The original reference must therefore still stand in full force; and it must become more conspicuous, and have a greater effect in proportion to the weight, but ill success, of the opposition made to it. The stream of evidence, obstructed in its course, only acquires additional force, and shews the futility of

* A noble Lord, an ornament to his profession and to his country, and the first law authority in this, or any other country, to whom the writer of these sheets is under many and indelible obligations, when this passage was pointed out to him, he examined it with his usual discernment, and having compared attentively the royal mandates, preserved by Rymer, for the imprisonment and enlargement of the Scottish chiefs, he emphatically exclaimed, *I admit the force of that.*

opposition by its strength, to carry before it every thing that attempts to check its progress. Doubts might have been before entertained, with respect to Sir William Stewart's imprisonment, but the collision which thus brings to light the prohibition in Rymer, against his enlargement, in the year 1400, and the mandate for his liberation in the year 1413, must tend to make the fact well known and give it current credibility.

The whole of the remarks in the Genealogical History, and in the * Supplement will be found to have a most friendly tendency, if examined, with regard to their effect on the View of the Evidence. Hall and Grafton having been quoted to illustrate a part of the history of Sir William Stewart, reference had been made to *folio* 24 of that work. It was so quoted in the second edition of the View of the Evidence, p. 17, and in a paper presented to Mr. Stuart, in the year 1794, entitled, "Extracts from ancient charters, authentic records, and co-
" temporary historians, tending to illucidate the most remark-
" able events in the life of Sir William Stewart, of Jedworth." And Mr. Stuart himself takes this method of quoting ancient authors, by *folio*, when the number of the pages were not marked. Thus we have *folio* 14, and *folio verso*, in p. 152 of the Genealogical History. And to prove that the most elegant authors may sometimes fall into typographical errors, we find *primogenitus*, instead of *pimogenitus*, in p. 40, and in p. 32, 179, &c. of the same work, we have nearly as many errors as there are Latin lines. The author of that learned work cannot therefore be ferious, when he affirms that his competitors mistook Hall and Grafton for a book consisting of twenty-four volumes.

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* Vide Supplement to the Genealogical History of the Stewarts, p. 62.

The paper presented to Mr. A. Stuart, proves they were well acquainted with those authors, and inadvertent errors of a single letter or two are sanctioned by the example of the writer of the Genealogical History. The words *lately delivered out of prison*, instead of *lately delivered out of captivity*, was by mistake inserted in the View of the Evidence, in consequence of quoting from memory. For when the View of the Evidence was printed at Edinburgh, in the beginning of the year 1796, it was deemed expedient, as an illustration of the subject, to give in the introduction, a comprehensive sketch of some of the most remarkable events in the life of Sir William Stewart, of Jedworth. It was requisite to quote the passage from Hall and Grafton. The book was scarce and every effort to procure it proved ineffectual. The quotation must have been omitted, or taken as it presented itself on the tablet of a defective memory. It proved correct in every instance, except in the single circumstance of the substitution of the word *prison* for *captivity*. The author of the Genealogical History of the Stewarts, with his usual apparent anger, but real friendship, is very vehement in his censure on the occasion. But this is evidently a feint, in order to provoke a more correct quotation of the passage, which he was aware could be attended with no great difficulty, as it had been before presented to him, in the year 1795, in the paper entitled, "Extracts from Ancient Charters, Authentic " "Records," &c. *Captivity* on the occasion, on which it was introduced, would have been a much happier expression, had it been recollected, than the word *prison*; for *lately delivered*
from

1 Vide the Supplement to the Genealogical History of the Stewarts, p. 61.

2 Vide the Supplement to the Genealogical History of the Stewarts, p. 7.

from captivity, in the ^a language of that period, signified lately liberated from long confinement, and must be considered as a stronger proof of the capture of Sir William Stewart, by the English, and of his imprisonment in the Tower for thirteen years, than the words, *lately delivered from prison*, would have been. The animadversions of the author of the Genealogical History of the Stewarts, on the subject, must therefore have been evidently made with the most friendly intentions, like thrusts made by a Gladiator, in a manner in which he knows they may be most easily parried, and which must tend less to injure, than to display the dexterity of his adversary. With what solemnity is not the charge of false quotation and misrepresentation of evidence brought forward; how well the humour is supported, till the whole is found to end in a trifling typographical error, in the accidental substitution of the word *prison*, for *captivity*, and of an *r*, for a *v*. But the wit of the author of the Genealogical History of the Stewarts would have been lost upon many, had he not pursued the charge, and been equally severe on the junction of Hall and Grafton's names, in the quotation from their history of Henry VI. It afforded an excellent opportunity of displaying that exhaustless fund of grave humour, for which he always was so remarkable. He contends that ^b Hall's name alone appears in the title page; and that therefore it is *a misnomer*, that the *citation* of course is null and void, that the book under these circumstances is not under the necessity of *appearing*, and that it was with the greatest difficulty he obtained a sight of it. All this he knew, however,

^a Vide Page 57, of the preceding sheets.

^b Vide the Supplement to the History of the Stewarts, p. 60.

however, was easily answered, and in the mean time had a chance of affording no small share of amusement. For custom, it is well known, forms a considerable part of the law, with regard to names as well as more important things. It had been the custom, for many centuries, to quote that part of Hall's Chronicle, which respects the reign of Henry VI. under the name of Hall and Grafton, as may be observed in Hume's History of England, and almost in every other History of England, or Scotland, where it was deemed requisite to quote them. Where authors have combined their talents to produce a literary work, it has been usual to quote their production under their joint names, as Johnson and Stevens's Shakspear, Beaumont and Fletcher's plays, &c. and the best authority we can have for such a combination, is, the assertion of one or both of the authors. Richard Grafton himself informs us, as may be seen in so common a book as Ames' History of Printing, that he wrote the greatest part of what had been called Hall's Chronicle. "He tells us himself, that he wrote the greatest part of Hall's Chronicle, but without particularizing how much. Hall died in 1547; the next year, Grafton printed the said Chronicle, entitled, *the Union of the two noble and illustre Families of Lancastre and Yorke*, &c. and continued it to the end of the reign of Henry VIII." Vide Ames' History of Printing, Vol. I. p. 504, Herbert's edition.

Thus has the whole line, as far as it was supported by the authority of *Hall and Grafton*, been corroborated by the assistance of those able veterans themselves, and by aid borrowed from the author of the Genealogical History's own arsenal. The apparent feeble parts in it, being covered by the restoration of the erroneous letter in a subsequent edition, and

by a correct reading of both the peccant word and letter in a paper previously presented to Mr. A. Stuart, and which is duly acknowledged in the ^c Supplement to the Genealogical History of the Stewarts. And lest this should not be deemed sufficient, he has taken care, with a friendly hand, to leave correspondent debilities in his own works. The amicable opposition made by him to what may seem to be the adverse line, is only the theatrical flourish of a gigantic club to please some of those who occupy the higher seats, while the blows, delivered in such a manner, that he knows they may easily be parried, either fall innoxious on the boards, or serve as proofs of skill of his friendly competitors.

The ^d mirthful attack made by him on the ingenious author of the Genealogical History of the Stewarts Refuted, can only be considered as the product of that liberal vein of pleasantry for which he was so remarkable. He proposes to shew by his quotation from the classics, that he is a scholar, and by the verdict of a jury, that he is a gentleman. He certainly cannot be serious, when he proposes, that no author shall be quoted in argument, who was born prior to the rise of the question in debate: for lest the course of the copious current of his humour should be mistaken, and lest it should sweep away the whole credit of his adversary, he diverts its force, by bidding a similar torrent of quotations flow from his own pen in the fourth page of his Supplement, from SALLUST, who was born many centuries before the commencement of the dispute under consideration. And after running a tilt at his adversary, in the true spirit of Chivalry, (id. p. 105,) in defence of the
beauty

^c Vide Page vii. of the above work, 4to, 1799.

^d Vide Supplement to the Genealogical History of the Stewarts, 4to, London, p. 99.

beauty and merits of a lady, whose excellencies were never questioned, he retires from the field, and leaves his amicable opponent covered with equal glory with himself.

In proof of this, we have but to consult p. 331 of the *Genealogical History of the Stewarts*, in which there is a severe attack on the authority of the chartulary of Paisley, preserved in the Advocates' Library, in Edinburgh. The validity of this ancient piece of evidence had been often acknowledged in Courts of Justice, and therefore the attack made on it, displayed great literary intrepidity. But the anonymous author of the *Genealogy of the Stewarts Refuted*, being equally fond of scholastic combats, fairly proves the authenticity of the Paisley chartulary, demonstrates that its authority had been admitted in Courts of Justice, in trials of great importance, and produces counsel's opinion in support of the authority of a charter which was never doubted. The defence it must be admitted, is carried on with as much apparent spirit as the attack, but neither can be believed serious, for offensive and defensive weapons might, with equal propriety have been drawn, and an animated combat engaged in, against, and in support of the authenticity of *MAGNA CHARTA*. Some utility, however, arises from the establishment of the fact, that the notorial instrument of the resignation of the lands of Fulton, by William Urry, preserved in the Chartulary of Paisley, is a deed, whose authority can be relied on, and from the admission of that fact, at last, by the author of the *Genealogical History* himself. For, on the authority of that deed, depends, in some measure, the proof of Sir John Stewart, of Dalwinton's having had

the lands of Castlemilk, from his father, Sir William Stewart, of Jedworth, pursuant to a clause in the marriage contract, dated 1396, and published in the Appendix No. II. wherein it was stipulated, that the eldest son should, within a certain period, be put in possession of a certain portion of the estate. The proofs already adduced to shew that the estates of Jedworth and Castlemilk appertained originally to one person, and the passage in the Chartulary of Paisley, where the name of Sir John Stewart, of Dalwinton, occurs as a witness, in the year 1409, are pieces of evidence, so natural, and so illustrative of each other, that this part of the genealogical line may be assailed without any risk of making any great impression upon it. The author of the Genealogical History therefore pretends to start considerable difficulties, with regard to the manner in which it could be possible that the estate of Castlemilk should be transferred from the eldest son John, (who, according to all authors, and every accessible evidence, was in possession of it in the year 1409,) to the second son William, who evidently possessed it in 1430, &c. But these are difficulties evidently started, in order to have the merit of removing them, and by this method to render the events under consideration the more marked, and the more notorious. For no sooner is the legal difficulty stated, than he himself proceeds to solve it in a masterly style. In order to illustrate it, he cites in p. 311 of his Genealogical History of the Stewarts, a case in point; "As the first appearance" (saith he) "of Sir William * Stewart,

" art,

* It is remarkable, that in Rymer's *Fœdera*, the authority cited in the Genealogical History, the name is spelt Stewart, in the year 1398, the change could only be an innocent mode adopted of pleasing those who since have preferred that mode of writing it.

"art, under the name of Castlemilk, was in the year 1398, at
 "which time it is certain that Sir John Stuart had a brother
 "of the name of William, who was a knight, (Miles,) the
 "matter comes to the short issue before-mentioned, to wit;
 "there being a certainty, that Sir John Stuart had a brother
 "of the name of William, and a certainty also, that the pro-
 "perty of the lands of Castlemilk, which had belonged to
 "Sir John Stuart, was transferred to a Sir William Stuart,
 "whether is it presumable that Sir John Stuart made this
 "grant in favour of his own brother William, or in favour of
 "another William Stuart, with whom he had not the same
 "connection?" To this it hath been already answered, that
 the name is written Stewart, in Rymer's *Fœdera*; in the year
 1398, (vide Vol. VIII. p. 58, 59,) as it was in all the family
 charters for some centuries afterwards. The reason for writing
 it differently on the present occasion, is obvious. But while
 this trifling sacrifice is made on the one hand, a case, very illuf-
 trative of the subject, is produced on the other, which must
 have a considerable effect in removing or explaining the diffi-
 culty that had occurred. For if Sir John Stewart, of Darnley,
 be admitted to have transferred the estate of Castlemilk to his
 brother Sir William, (who, it is apprehended, has been proved
 by the preceding evidence to have been Sir William Stewart, of
 Jedworth,) about the year 1387, though there are no direct
 proofs to that effect; Sir John Stewart, of Dalswinton, the
 eldest son of the latter, may, with equal propriety, be allowed
 to have resigned the same estate in favour of his younger
 brother Sir William, about the year 1410, especially as the
 transaction appears to be perfectly consistent with the practice
 of

of the times, and as it is supported by several authorities cited in the Genealogical History. That this was consistent with the custom of the times, may be proved from the following passage in this celebrated work. "The presumption that the grant of
 " the property of the lands of Castlemilk, must have been
 " given by Sir John Stuart, of Derneley, to his brother William, is strongly fortified, not only by the practice of ancient
 " times, when it was usual for the elder brother and representative of the family to give to the younger brother, either
 " as a provision, or from motives of favour, a certain portion
 " of lands to be held immediately under the granter and his
 " heirs, but also by the instances which have been given of
 " that being the practice in this very family of the Stuarts of
 " Derneley, and at a period too very near to that in which Sir
 " John Stuart, of Derneley, and his brother William lived."
Genealogical History of the Stuarts, p. 299.

The admission of the prevalence of this practice in the family of Derneley, is a strong presumption of its continuance in the House of Dalswinton, particularly as the Chartulary of Paisley proves Sir John Stewart to have possessed the lands of Castlemilk in the year 1409. This is further supported by the proofs of Sir William Stewart's being in possession of that estate some time subsequent to that period, agreeable to what the author of the Genealogical History (p. 324,) incontrovertibly shews from a charter, by Archibald, Earl of Douglas, in favour of John de Park, which is demonstrated, though without a date, to have been executed, subsequent to the 4th of June, 1410. The clause in the marriage contract, stipulating that the whole of the estate should be given to the
 eldest

eldest son, except a portion of the annual value of twenty pounds reserved for the *other son*, is a further corroboration of this circumstance. And when this is compared with the two charters cited in p. 324, and p. 327 of the Genealogical History, where the name of *William Stewart* occurs as a witness, it evidently places the whole transaction in the clearest point of view. For in Rymer, as explained by Crawford and all the best antiquaries, we have Sir William Stewart of Jedworth in possession of the Castlemilk estate, in the year 1398. In the Chartulary of Paisley, the eldest son, Sir John Stewart, is represented as in possession of that estate, in the year 1409, which apparently had been resigned to him by his father, in concurrence with the terms of the contract of marriage. In a charter by Archibald, Earl of Douglas, dated about the year 1411, and cited in the Genealogical History of the Stewarts, p. 327, the name of *William Stewart*, the second son, appears as a witness, but he is not designed of Castlemilk. In a charter by the Earl of Douglas, however of a subsequent date, he is designed Sir William Stewart, of Castlemilk, his elder brother, Sir John Stewart, having resigned that estate, on succeeding to the lands of Dalswinton, in his favour, agreeable to the clause already cited from the marriage contract. And in the renunciation of pretence to the lands of Callie, printed in the Appendix, No. III, Sir John Stewart

is

f " And all ye lase, yat he fall conquest to be gyvin to ye foresaid John, his son and
 " ayre. outtakyn xx pounds worth of land to be gyvin till his oyr son," &c. Marriage
 Contract, 1396. Appendix, No. II.

g As this charter is without a date, it can only be said, with certainty, that it was issued
 before the year 1424, the year of the Earl of Douglas's death, Sir William Stewart, the
 younger son, may therefore only have succeeded to the Castlemilk estate on the death of his
 elder brother John, in the French expedition, 1419.

is designed of Dalswinton, and no longer assumes the title of *de Castlemilk*, that being now in the possession of his brother. Thus, from an accurate investigation of the evidence adduced in the Genealogical History of the Stewarts, facts present themselves, which, when duly compared, form a body of circumstantial proofs, which tend completely to establish the statement apparently opposed in some parts of that work. And where an ostensible objection is made in that work to the evidence it would appear to controvert, it seems uniformly done with a view to bring forward the proofs into a more luminous point of view. Thus the observation relative to a passage in the *Genealogy of the Stewarts Refuted*, appears evidently to have been made with that intention. "There is, indeed, (it is said, Supplement to the Genealogy of the Stewarts, p. 59,) in the anonymous book, p. 55, one paragraph concerning the commanders in the French expedition, which, if supported by evidence, would establish, in a satisfactory manner, two facts very material for the Earl of Galloway, to wit, 1st, that Sir William Stewart, of Jedworth, and Sir William Stewart, of Castlemilk, were one and the same person, and 2dly, it would establish, with great certainty, that Sir William Stewart, of Jedworth, did actually belong to the French expedition, and was killed there in the year 1429.—The paragraph here referred to is in the following words: "The principal leaders were, the Earl of Buchan, the Earl of Wigton, (eldest son of Archibald, Earl of Douglas,) Sir John Stewart, of Derneley, Sir William Stewart, of Jedworth and Castlemilk," &c.

That Sir William Stewart of Jedworth, and Sir William Stewart, of Castlemilk, were one and the same person, is proved from

from several authorities cited and acknowledged in the Genealogical History of the Stewarts. It is proved in the manuscript History of the House of Garlies, attributed to George Crawford; it is admitted, in Duncan Stewart's History of the Stewart family, and in Sir Robert Douglas's account of the Stewarts of Castlemilk, in his Baronage of Scotland, and in many other authors, upon whose testimony considerable stress is laid by the writer of the Genealogical History of the Stewarts himself. It is likewise evidently proved in the Supplement to the History of the Stewarts, p. 14, &c. on the authority of Rymer, that Sir William Stewart, of Jedworth, was frequently, in public deeds of the greatest importance, called Sir William Stewart, without any additional designation. In the list of commanders who embarked for France, in the year 1419, inserted in Mackenzie's Lives of celebrated Scotsmen, Vol. I. p. 363, the name of Sir William Stewart occurs without any additional title. It hath been already observed, that several authors, cited in the Genealogical History, have adduced proofs to shew that Sir William Stewart, of Jedworth, and Sir William Stewart, of Castlemilk, were one and the same person. The extracts from the French historians, given in the same work, demonstrate that Sir William Stewart, (who is generally mentioned without additional designation) distinguished himself in France, in the earlier part of the reign of Charles VII. and it is contended in the Genealogical History, that the person thus celebrated for his martial achievements in the French service, was Sir William Stewart, of *Castlemilk*. If the anonymous author of the Genealogy of the Stewarts Refuted, therefore, cursorily mentioning this circumstance, hath, to avoid prolixity, omitted to enumerate all the authorities he had consulted on the subject, (vide Supple-

ment to the Genealogy of the Stewarts, p. 59.) his deficiency of evidence is amply compensated, and the fact in question sufficiently corroborated, by the authorities quoted, and the arguments advanced by the ingenious author of the Genealogical History of the Stewarts.

It is insinuated in the supplement to the same work, p. 62, that in the passage cited from ^b Hall and Grafton, by the author of the Genealogy of the Stewarts Refuted, the name of *William* is erroneously inserted, instead of that of *John* Stewart. But this is satisfactorily disproved by the author of the Genealogical History of the Stewarts himself; for he refers to an anecdote related by Hall, folio 85, where both the brothers *John* and *William*, appear to be considered as constables of Scotland; the former, because he was commander in chief of the Scots forces in the French service, and the latter, because he had a ⁱ thousand of the Scots troops under his immediate command. To distinguish them, however, the elder brother is described as, “*the Constable of Scotland, which lost his eye*,” and the younger brother is denominated “*Lord William Stewarde, Constable of Scotland*.” It appears from the passage in question, that *Lord William Stewarde* was sent by the dauphin, to lay siege to the town of Cravant, that he was unsuccessful in his enterprise, and that his elder brother advancing to his assistance, was unfortunately taken prisoner. The author of the Genealogical History, p. 157, ingeniously illustrates this circumstance, by an account of a similar event, which terminated their lives
at

A. D. 1423.

^a The author of the Genealogy of the Stewarts Refuted, p. 55, is correct in his citation of Hall's Chronicle, for he has *v. 24*, which stands for *verso*, or *folio verso*, 24.

^b It has been already stated, p. 59 of these sheets, on the authority of Lord Hailes, that Constable of Scotland then often meant only *Constable*, or Commander of a body of men raised in Scotland.

at the siege of Orleans, 1429,—*the truly heroic John Stewart, “ descended of a most illustrious race. This gentleman coming “ to the relief of his brother, who had fallen into the hands of “ the enemy, extricated him from danger, and, though himself “ wounded, made a most gallant and persevering resistance, till “ at length surrounded by the enemy, and covered with wounds, “ he sunk to the ground. His brother, who had retired from the “ battle, observing from a distance what had passed, again flew “ to present himself to the enemy, and was slain.”*

The ^k account given in the Genealogical History of the Stewarts Refuted, relative to the part taken in the French expedition, 1419, by Sir John Stewart, of Dalswinton, has likewise proved the subject of apparently severe animadversions. But that account is corroborated by Crawford, by Sir Robert Douglas, and by almost every writer cited on the subject by the author of the Genealogical History of the Stewarts. The passage pointed out in the ^l renunciation of pretence to the lands of Cally, as a fine intended to enforce the observation of the different articles that had been stipulated between the parties, is an evident confirmation of the truth of the Statement made in the View of the Evidence, p. 24, that the temporary resignation of the lands in question, was an expedient to raise money to defray the expences of the expedition, for the inconsiderable sum appointed to be deposited on the altar of the religious house at Whithorn, in neglect of observing the terms of the contract, could have been easily raised by the proprietor of the Dalswinton estate; had he survived the dangers

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of

^k Vide the Supplement to the Genealogical History of the Stewarts, 4to, London, 1799, p. 65.

^l See this paper in the Appendix, No. III. copied from the original, in the Chatter-Cliff of the late James Murray, Esq; at Cally.

of the expedition, and had he proved successful in his enterprise. The ^m arms still carried by the Castlemilk family, are supposed to bear an evident allusion to the events that marked that period: the crest and the motto to the successes of Sir John Stewart, on his first arrival in France, and the transposition in the ensigns armorial, to the transmission of a part of the property from the elder to the younger son, from Sir John Stewart, of *Jedworth, Garlies, and Dalswinton*, to his younger brother Sir William Stewart, of *Castlemilk*, and his posterity.

The ⁿ observations made on the undeserved compliment paid by the author of the *Genealogy of the Stewarts Refuted*, to the writer of the *View of the Evidence*, appear, as usual, destitute of any real foundation, and only designed as innocent pleasantry to enliven an uninteresting genealogical detail, for it could never have been intended to describe that writer as superior to Nesbit, Camden, &c. but merely to state, that, with regard to the history of some particular branches of the house of Stewart, very few authors had investigated the subject with so much industry and perseverance; as a common traveller, who has carefully examined, and taken the different admeasurements of a celebrated building, may be able to give a
more

^m A nobleman, who has been long distinguished for his knowledge in antiquity, and who is the most liberal patron, as well as the most competent judge of heraldic acquisitions, to whom the writer of these sheets is under great and many obligations, stated it as his opinion, that this transmission of the estate might very possibly have occasioned the transposition of the arms, for the Stewarts of Castlemilk bear the *bend surmounted of a Fess chequè*, whereas the Stewarts of Garlies, the Stewarts, Dukes of Lennox, and all the other Stewarts bore the *Fess Chequè, surmounted of a bend*.

ⁿ See the Supplement to the *Genealogical History of the Stewarts*, p. 91. and the note on that page.

more satisfactory account of it than professed architects, who have only observed it at a distance.

The same vein of pleasantry is discovered on several other occasions in the course of the labours of this ingenious author, in the genealogical mine. In the supplement to his voluminous work, p. 64, he makes the following grievous complaint of his apparent competitors, “ they apply to Sir William Stewart, of Jedworth, all that I had discovered in the French historians, concerning the employment and services of Sir William Stewart, the real brother of Sir John, of Derneley, during the siege of Orleans.” This sentence could never have been written, and certainly cannot be read with gravity, for the French historians are to be found in every considerable library in Europe, and it was never known that the author of the Genealogical History of the Stewarts had an exclusive patent for perusing them. Most of the *discoveries* relative to Sir William Stewart, of Jedworth, if they can be supposed entitled to that appellation, had been ^o made, and had been communicated to Mr. A. Stuart, prior to his excursion to the continent to investigate the History of the House of Darnley. Some of them had been extracted from Father ^p Hay’s Collections, and other manuscripts on genealogical subjects in the Advocates’ Library, and afforded information much to the
same

• A young nobleman, an honour to his family and to his country, who was at Paris in the year 1788, had very obligingly transmitted several interesting particulars on this subject, which he had from the Scots College, at Paris, and which the Principal of that College, and some of the literati in that country had procured from the French libraries, and the public records. These favours, the writer is happy to have this opportunity to acknowledge.

▷ See the passage from Hay’s MS. &c. in p. 59 of the preceding sheets. The extracts from Hall and Grafton, and from Miquello’s History of the Siege of Orleans, &c. p. 43.

same purport, with the result of the laborious researches afterwards made in the works of the French Historians. The remark therefore must have been originally intended to forward the cause it would appear to militate against, because the singularity of the expression cannot but excite attention, while it points to proofs which tend to substantiate the principal fact which forms the subject of enquiry. For whoever has the credit of the *discoveries* alluded to, if the events recorded by the French historians, and the evidence adduced in the preceding sheets, be found to concur with the circumstances that attended the death of Sir William Stewart, and the claims made to the estate of ^a Minto by his grandson, in the year 1429; the proofs of Sir William Stewart of Jedworth's having been the brother of Sir John Stewart, of Darnley, will be satisfactorily established, and the design proposed by the present enquiry completely effected.

The ingenious authors of the ^r *Genealogical History of the Stewarts*, and of the *Genealogy of the Stewarts Refuted*, seem in reality to live on no unfriendly terms, notwithstanding the apparent violence of the literary war they wage against each other. The attack made by the latter on the letters of the former, to the late Lord Mansfield, the subsequent declaration relative to the manner in which that attack had been conducted, and the great moderation discovered, after all these acts of hostility by the former, are evident proofs that they bore no enmity to each other, and that though they differed in words, they pretty nearly agreed in point of fact, and tended by their concurrent

^a See the preceding sheets, p. 21.

^r Vide the Supplement to the *Genealogical History of the Stewarts*, p. 100, 101, &c. and the *Genealogy of the Stewarts Refuted*, p. 151, &c.

concurrent labours on different sides to cement the well compacted parts of the same proofs to raise the structure of the same evidence, and that the blows they discharged fell not on each other, but on every thing mishapen in the mass of materials before them.

The concessions made by the author of the *Genealogy of the Stewarts Refuted*, in favour of his adversary, discover a generous disposition and a liberal mind. They are, however, of such a nature, that they may safely be granted, without prejudicing the principal question in debate. For whether there were two or only one person of the name of Alexander that enjoyed the Darnley estate prior to the year 1400, is a matter of little moment, with regard to the immediate subject of enquiry; Sir William Stewart of Jedworth's affinity to that family, may, in either case be proved with equal facility, therefore it may be admitted without any detriment to the evidence adduced, that it was "a gross & misrepresentation of genealogists to suppose the existence of but one generation of the name of Alexander, in the Darnley family." The charter, however, upon which this charge against preceding genealogists is founded, is given at large in the Appendix No. IV. and it is believed, that on an attentive examination it will not tend to substantiate any such charge against them. The charter of the lands of Galston is without a date, but it is justly conjectured by the author of the *Genealogical History of the Stewarts*, p. 84, 85, that it must have been granted some time subsequent to the year 1371, probably many years afterwards. It appears to contain three distinct

* Vide the *Genealogy of the Stewarts Refuted*, p. 31; and the note on that page.

† Vide the *Genealogy of the Stewarts Refuted*, p. 31, in the note.

distinct parts, 1st, a grant of the lands of Galston, in favour of Alexander Stewart, the son of Sir Alexander Stewart, of Darnley, which is confirmed by the superior lord, John, Earl of Carrick, the eldest son of king Robert II. 2dly, A recital in the usual form of the actual resignation of those lands, by the original proprietrix Janet Keith, while in a state of widowhood, some time prior to the date of the deed in question. 3dly, An acknowledgment of the subsequent grant that had been made of those lands to Sir Alexander Stewart, of Darnley, and his wife Janet Keith, by the Earl of Carrick, the Lord Superior, into whose hands they had been resigned; together with the usual *formula* of the terms of the tenure. It does not appear from the tenor of this deed, that Alexander Stewart, the son, was ever married, or that Sir Alexander Stewart, of Darnley, the father, had any children by Janet Keith, who, as hath been stated in the preceding sheets, was probably his second wife: For the words "and to the children procreated, or to be procreated," are mere words of course inserted in compliance with the usual custom, and the forms then prevalent. It might, with equal propriety, be argued from the words, *quibus deficientibus*, that they had no issue.

It seems evident, however, that the person to whom the lands are now granted, was not the husband of Janet Keith, for no mention is made of her in the clause which conveys the lands to him; he has not the honorable title of knight given him, he is only stiled Alexander Stewart, the son of Sir Alexander Stewart, of Darnley, knight; but when the original grant of lands to the father, in consequence of the resignation of life, Janet Keith is recorded, the estate is represented as
having

having been granted, " *eidem Alexandro, et Janetæ Sponsæ suæ,* &c. Sir Alexander Stewart, the father, being the person of that name last mentioned, the words *eidem Alexandro*, must naturally be concluded to refer to him. That this is the meaning of the deed, however different it may at first sight appear from some of the ancient forms, seems to be clearly proved by the author of the Genealogical History, for, in p. 85 of his voluminous work, he observes, with regard to the resignation of the lands in question, by the wife of Sir Alexander Stewart, some years before he prevailed upon her to concur with him in conferring them upon his son Alexander, that, " though it appears " that Janet Keith had, in her widowhood, resigned the lands " in the hands of the superior, yet it seems probable, that the " above charter, by John, Earl of Carrick, Steward of Scot- " land, the superior of the lands, was not granted *till some " time after the marriage,*" &c. And in p. 96 of that work, the same author cites *an original decret of the Baron Court of Camnethan*, holden the 13th of October, 1390, before Sir Alexander Stewart, of Darnley, Lord of that barony, to which decret, the names of three of his sons appear as witnesses, *Willielmus Seneschalli, Alexander Seneschall, Dominus de Galliston, Robertus Seneschall,* &c. from the known period of the marriage of Sir Alexander's children, and from other circumstances, it is evident that the person who was in possession of the lands of Galliston, in 1390, never succeeded to the Darnley estate, and while from the dates of the two last cited deeds, as far as they can be ascertained, it is evident, that the person to whom the lands of Galliston were granted in the Earl of Carrick's

x

* Vide the charter of the lands of Galliston in favour of Alexander Stewart, the son of Sir Alexander Stewart, of Darnley, Appendix No. 4.

rick's charter, is the same who attested the decret of the Baron Court of Cambusnethan in the * year 1390, and who is universally acknowledged to have been the son of Sir Alexander Stewart, of Darnley ; but he had two elder brothers, and never succeeded to the paternal inheritance of his ancestors, and therefore could not have been the husband of Janet Keith, who was married to the proprietor of the Darnley estate. Thus the charter of the Earl of Carrick, when minutely examined, far from proving that there were two persons of the name of Alexander, who successively assumed the title of Darnley, only confirms what has already been adduced in evidence, that one person of that name was in possession of the estate, and married the widow of Sir David Hamilton of Cadzow, and that his third son bore the same name (*Alexander Stewart*) and received from his father and his step-mother, a grant of the lands of Gallston, which grant was confirmed by the Superior, the Earl of Carrick, and that he apparently continued in possession of those lands for many years, till they were † conferred by his step-mother, after the death of his father, A. D. 1406. upon Andrew Hamilton, her son, by her former husband. It is evident, however, that more than one generation must have intervened between the year 1393, the period marked by the death of Sir Alan Stewart, of Darnley, and the year 1390, the date of the decree issued by the authority of Sir Alexander Stewart,

* Sir John and Sir William Stewart, it has been proved, were of age about the years 1383, and 1385; the third son, Sir Alexander, must have been of age some time prior to the year 1390, there could hardly have been two Sir Alexander Stewarts, of Darnley, therefore, or any issue by Janet Keith, be the date of the Earl of Carrick's charter what it may, consistent with history and probability.

† See a charter by Robert, Duke of Albany, quoted in the *Genealogical History of the Stewarts*, p. 94.

Stewart, as Lord of the Barony of Cambusnethan; but it appears more consistent with every fact known in history, as well as with the opinion of every preceding writer on the Genealogy of the Stewarts, to conclude on the evidence of Rymer's *Fœdera*, that there were * two Sir John Stewarts, than on the credit of the charter of the Earl of Carrick, that there were two Sir Alexander Stewarts, who successively possessed the Darnley estate. At the same time, it must be admitted, that though this appears to be the more consistent statement, the contrary supposition could not prejudice the question, were it supported by sufficient evidence; for, if it be allowed on the authority of the preceding proofs, that Sir William Stewart, of Jedworth, was the brother of Sir John Stewart, and the son of Sir Alexander Stewart, of Darnley, it is immaterial with regard to the issue of the principal question under consideration, whether it be proved that there were one or two Sir Alexander Stewarts, or whether Sir William should be acknowledged as the son of the first, or of the second Sir Alexander.

The other concession made to the author of the *Genealogical History of the Stewarts*, by the ingenious * writer that has been mentioned, is equally free from pernicious consequences, with regard to the subject under consideration. For if the evidence adduced in the preceding sheets be sufficient to prove that Sir William Stewart, of Jedworth, was the brother of Sir John Stewart, of Darnley, the question, who was his mother, may be agitated with as little danger, as the enquiry relative to the title of his father, or the name of his grandfather. But as so much has been said in the *Genealogical History of the*

* See what is said on this subject, in the paper No. 1, in the Appendix.

* Vide the *Genealogy of the Stewarts Refuted*, p. 31.

Stewarts, relative to the first husband of Janet Keith, it is necessary to state that it is a matter of perfect indifference with regard to the relation in which the two brothers stood to each other, whether their mother was descended from Sir John Turnbull, of Minto, or from Sir William Keith, the Lord Marshal of Scotland, and that the expression, *nepos meus*, used by Sir John Turnbull in his charter, in favour of Sir William Stewart, of Jedworth, would admit of a satisfactory explanation, on the supposition, that either Sir William Stewart himself, or any of his ^bancestors of the House of Darnley (as is contended by some genealogists) married a daughter of the Turnbull family; but as the account given of the matrimonial alliance contracted between Sir Alexander Stewart, of Darnley, and that family, and the hypothesis which represents his children as the fruit of that marriage, appear more consistent with all that can now be discovered of the history of the Stewarts, the author of the voluminous work so often quoted on that subject, seems to have taken extraordinary pains to establish these facts on an unassailable foundation. For not contented with the ordinary mode of proceeding on such occasions, he appears to have gone over to the enemy, like Sextus Tarquinius' pretended desertion to the Gabii, in order to obtain the disposition of their forces, and an opportunity of marshalling them in such a manner, that they might be inevitably vanquished; as an instance of this, let his method of arranging the ^cproofs adduced to shew that Janet Keith was the mother of Sir Alexander's children, be but attentively examined, and it will be discovered, that by his mode of attempting to establish

^b Vide on this subject, p. 65 of the preceding sheets, &c.

^c Vide the Genealogical History of the Stewarts, p. 86, &c.

establish his position, he has contrived to give a mathematical demonstration of the contrary, by proving *ex absurdo*, the inexplicable difficulties that would follow, were the validity and consistency of his proofs admitted. For, in order to give the story some appearance of probability, he shews that it must, in the first instance, be supposed, that because Sir William Keith, Marshal of Scotland, was sometimes designed ^d of Galfston, from an estate of that name, in his possession, that there were two Sir William Keiths, who lived at the same period, the one Marshal of Scotland, the other proprietor of the Lands of Galfston. It must, secondly, be concluded, without the shadow of evidence, that there were two contemporary Janet Keiths, the one the daughter of the former Sir William Keith, the other the daughter of the latter. It must, thirdly, be taken for granted, because it was customary, in that age, to make use of the word *filius* in public charters, to imply *step-son*, or *son-in-law*; that the word *filius*, when applied, by Janet Keith, to her *step-son* Sir John Stewart, of Darnley, must be considered as an irrefragable proof of his being her *son* in the fullest sense of the word. This being once taken for granted, it must be considered as completely proved, and upon this foundation, throughout the whole of the argument, an imposing structure must be raised, (such as is generally built upon a *petitio principii*,) calculated at once to dazzle and deceive the eyes of the beholder. Like the fabrics raised of as flight materials, and on as slender a foundation, to commemorate the

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^d Crawford in his Peerage of Scotland, when speaking of the marriage of Sir William's daughter with Sir A. Stewart, of Darnley, mentions him under the name of Sir William Keith, of Galfston, because that estate passed into the Darnley Family, but he evidently means the same person, whom on other occasions he calls Sir William Keith, Marshal of Scotland.

two Sir Alexander Stewarts, of Darnley, where there existed only one to claim the title; and to do honour to the memory of Sir William Stewart, of Jedworth, and Sir William Stewart, of Castlemilk, (a visionary multiplication of the same person, possessing different estates, and taking, at pleasure, his title from either.) It is, *fourthly*, necessary to * *attempt to make it be believed*, because a charter occurs in the public archives, which demonstrates Sir David Hamilton, of Cadzow, to have been alive and married to Janet Keith, in the year 1388, to suppose, without any appearance of evidence, that *some other* person of the Hamilton family, existing nearly at the same period, had likewise espoused *some other* lady of the name of † Janet Keith, and, in order to avoid the perplexing difficulties of dates, and make the story consistent with the stubborn evidence of charters, that it must have been the last-mentioned hypothetical Janet Keith, who married Sir Alexander

* Vide Supplement to the Genealogical History of the Stewarts, p. 52.

† The date of Janet Keith's charter, 1392, mentioned in the Appendix, from the list of Scots charters in the British Museum, cannot be entirely relied upon, otherwise it would tend pretty nearly to fix the date of her marriage to Sir Alexander Stewart. But as charters were at that time seldom dated, the year affixed to it, is merely the result of the transcriber's conjectures from other charters issued about the same period, from the names of witnesses, and other circumstances. But supposing the conjecture to be within ten years of the truth, and admitting the real date to be 1382, it would be extremely consistent with the account of her resignation of the lands of Galston, the supposed date of the Earl of Carrick's charter, and the appearance of her *step-son* Alexander Stewart, as the proprietor of Galston, in 1390. Genealogical History of the Stewarts, p. 96, &c. The names of Sir David Hamilton of Cadzow's sons, William and Andrew, the names of his estates, Bruntwood and Bathgate, prove clearly that it must have been his widow that was afterwards married to Sir Alexander Stewart, of Darnley, while the dates of Sir David Hamilton's charters, and the period when Sir Alexander's children appear to have been of mature age, demonstrate that Janet Keith could not have been the mother of Sir John Stewart, of Darnley, and his brothers Sir William, Sir Alexander, &c. See the preceding sheets, note on p. 31, &c.

Alexander Stewart, of Darnley. For Sir Alexander's widow, of that name, having, in the year 1406, granted to Andrew Hamilton, her son by her former husband, a charter of the lands of Galfon, and having mentioned her *step-son*, Sir John Stewart of Darnley, under the appellation *filius*, or *son*, advantage must be taken of this expression, to erect on it an argument contrary to history and chronology; though it was extremely usual at that period in public charters, to apply the word *filii* to *step-sons*, to sons-in-law. Upon no better evidence, however, it is necessary, according to the hypothesis, to contend that Janet Keith must necessarily have been the mother of all Sir Alexander's children; and in order to elude the force of proofs adduced from other charters, and the natural solution of the expression in the grant of the lands of Galfon, recourse must be had to the extraordinary expedient of describing every genealogical character introduced about this period, as having an exact representative of his own name and figure, as difficult to be distinguished the one from the other, as Sofia from his counterpart in the comic scene. It must be attempted *therefore to make it be believed*, that two Sir Alexander Stewarts, and two Sir William Stewarts, two Sir William Keiths, two Janet Keiths, and two Hamiltons, &c. existed precisely at the same period, as if it were intended by the similarity of their History to baffle the efforts of all future genealogists, who should attempt to give a consistent account of their families. The extravagant nature of these groundless suppositions, and the palpable absurdities attending these unnecessary multiplications of genealogical characters, amount in fact to a clear demonstration of the truth of the statement made in the preceding

* Vide Genealogy of the Stewarts refuted, p. 87, &c.

preceding sheets, that Sir Alexander Stewart, of Darnley, was twice married, and that he had several children by his first wife. That his second wife was the widow of Sir^a David Hamilton, who was alive in the year 1378, and that by this second marriage, Sir Alexander had no issue, his children having arrived at the age of maturity, prior to the year 1392. Thus every part of the evidence is corroborated by history, and probability, and wherever the author of the *Genealogical History of the Stewarts* appears to state any thing hostile to the evidence here contended for, he takes friendly care, by his mode of stating it, or by authorities quoted in a subsequent page, to adduce such proofs as will tend completely to enfeeble the force of his simulated attack. On every occasion, he appears careful not to assail, but where he is conscious that he has himself furnished the armour that must blunt the force of his weapons. When he is persuaded that his blows cannot wound them, he scruples not (to carry on the appearance of hostility) to make specious charges against his best friends. He had bestowed many marks of his favour, and of his friendship, on Mr. Brown, the celebrated genealogist, and yet when the semblance of enmity proves likely to facilitate the completion of his design, he attacks the works of his old friend, with great simulated vigour, and much apparent animosity; but he knows that he has himself thrown up the breast-work that must secure him

^a The vague terms in which the unfounded conjecture, relative to another *supposed* Janet Keith, and her *supposed* marriage with another *imaginary* person of the House of Hamilton, are mentioned by the author of the *Genealogical History of the Stewarts*, seem evidently designed to shew the absurdity of the supposition. "There is reason to presume, that the first husband of Janet Keith, of Galtoun, was the first mentioned John de Hamilton, of Rossaven, second son of Gilbert de Hamilton, or his brother Hugo, or one of that family." *Genealogical History of the Stewarts*, p. 93, note.

him against the effects of the assault. In his letter on the origin of the Stewarts of Allanton, he has the following remarkable passage. "As to the tree referred to in your letter, drawn up by a person of the name of Brown, who has mentioned Robert as the ancestor of the Allanton family; I have seen the tree, and know the history of it, and can assure you, that it is no authority whatever, and never will be considered as such. Indeed, *no Genealogical Tree* is deserving of credit, or can be considered as a proof of facts, without specifying and referring to the proofs from which the tree is made out." Severe as this verdict passed on Mr. Brown's works may appear, it is evident, that nothing is meant by it, or, that under the semblance of censure, it is intended for a well merited panegyric, for when the shade of a Genealogical Tree, by its friendly obscurity, seems to favour his argument, Mr. A. Stuart seems to have no objection to shelter himself under cover of its branches, and it would be uncandid to suppose him capable of cutting it down, only because it may appear likely to give him undesirable umbrage. There are occasions, however, when he seems to speak of similar productions, with becoming veneration. "The Tree of the family of Hamilton, kept in the Duke's house, at Hamilton, expressly says, that David, Lord Hamilton, (that is, Sir David Hamilton, of Cadzow,) son of the former, David, Lord Hamilton, married Lady Janet Keith, daughter of the Right Honourable Earl Marshal of Scotland." ¹

The author of the Genealogical History of the Stewarts would not have sheltered himself under such an authority, if
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he

¹ Vide the Supplement to the Genealogical History of the Stewarts, p. 68.

² This is not accurate, there were no Earls Marshal for several generations after this marriage.

³ Vide the Genealogical History of the Stewarts, p. 91.

he had not been persuaded that it would neither injure his cause, nor betray his want of judgment. Mr. Brown's Genealogical Tree, on similar occasions, seems justly entitled to similar attention, and the apparent censure cast on it, cannot be seriously intended, or must be supposed capable of a favourable construction. For if the evidence of a genealogical table be admissible in one instance, it would be unfair to reject it in another. In such a work it is not possible that all the proofs can be exhibited; but if it derive its origin from good and authentic sources of information, and if the compiler be a man of ¹ credit and of judgment, and if it can be relied upon, that he has duly examined and duly chosen his materials, there is no reason why the authority of a Genealogical Tree may not be holden in as much estimation as that of a Genealogical History: as the opinion of a Judge, who, without adducing proofs, illustrates a point of law, is of as much weight as the wordy pleading of an advocate, who cites cases, and quotes the observations of legal sages.

There are many occasions on which the author of the Genealogical History appears to have made several statements in such a manner as if he wished to have them subverted, it is ^m asserted, for example, "that the description given by Rymer " of the proprietor of Castlemilk, in the year 1398, is *Willielmus Senescal de Castlemylke, Miles*," this would very aptly accord with the description given of Sir William Stewart, in the Earl of Douglas's charters, but unfortunately the observation is

¹ Anderson's tables, for instance, are considered as good authority, because, in making his genealogical deductions, he took care to consult the original evidence, and to examine the proofs on which his information was founded.

^m Vide the Genealogical History of the Stewarts, p. 324.

is not correct, and its inaccuracy may be easily discovered, for any person who will be at the trouble of consulting Rymer's *Fœdera*, Vol. viii. p. 58, will find that the passage is not in Latin, and that the manner in which he is mentioned, is, *Sir William Stewart, of Castlemylke, Knight*.

In order apparently to favour the Castlemilk cause, though in opposition to the opinion of all preceding authors, it is stated^a that it could not have been Sir John Stewart, of Dalswinton, who is mentioned in the Chartulary of Paisley, in the year 1409, and who, on that occasion, is described as John Stewart, of Castlemilk, (being, according to the testimony of all antiquaries, for several centuries, at that period in possession of both estates,) because, as it is expressed, "*the John Stewart therein mentioned is not mentioned as a Knight, which Sir John Stewart, of Dalswinton, at that time was.*" Supplement to the Genealogical History of the Stewarts, p. 79. This argument may seem plausible to those who are ignorant of the subject, but it happens that there are no proofs that John Stewart, of Dalswinton, was a Knight, prior to the year 1418, where he is so described in the renunciation of pretence to the lands of Cally, printed in the Appendix, No. III.

It is supposed, without the shadow of evidence, and contrary to all^o preceding authorities, in order to favour the argument

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^a Vide the Supplement to the Genealogical History of the Stewarts, p. 78, &c.

^o George Crawford, in his manuscript history of the House of Garlies, describes Sir William Stewart, of Jedworth, and Castlemilk, as one person. In this he is supported by every existing evidence. Mr. A. Stuart follows George Crawford in the ridiculous story of Sir William's execution, "*he ought likewise to adopt the other part of the same history,*" where it is asserted, that he possessed the estates of Jedworth and Castlemilk, "*for it cannot be permitted him, or those who wrote for him, to adopt one part, and to reject another of that same Genealogical History.*" Supplement to the Genealogical History, p. 53.

gument apparently contended for by the author of the Genealogical History of the Stewarts, that Sir William Stewart who possessed the estates of Jedworth, and Castlemilk, may, without any injury to him as a genealogical character, be divided into two persons, and that the former estate^p may be given to the one, and the latter to the other; and to obviate the difficulty, relative to the chartulary of Paisley, that it may be supposed that the John Stewart mentioned in it as a witness in the year 1409, must have been an *ideal* son of the above-mentioned *imaginary* proprietor of Castlemilk. It is acknowledged, that this curious hypothesis is not countenanced by any appearance of evidence. But then it is most ingeniously supposed by the author of the Genealogical History of the Stewarts, that the imaginary Sir William Stewart, of Castlemilk, whom he has argued into existence, was the brother of Sir John Stewart of Darnley; the next supposition, which is extremely natural, is that Sir John Stewart had a great regard for him, and, as a token of paternal affection, gave him the estate of Castlemilk. These things being duly pre-supposed, and laid down as axioms that are not to be controverted, it follows as an unavoidable consequence, that the above-mentioned *ideal* Sir William, must have had a son, and having a son, that in grateful consideration of his generous conduct, he gave him his brother's name. " That Sir William Stewart, of Castlemilk had a son of the name of John, is a fact so highly probable, that it can scarcely be doubted of, considering the remarkable friendship and *intimacy*, which subsisted between the two brothers, Sir John and Sir William Stewart; and it is not at all likely, that the name of John, which appears

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^p Vide the Supplement to the Genealogical History of the Stewarts, p. 53.

“ to have been a favourite name in the family, during many
 “ generations, should have been neglected in the first instance,
 “ by Sir William Stewart, attached as he was to his brother
 “ Sir John, whose name and actions reflected so much honour
 “ upon the family. That son John may probably have died
 “ during his father’s life, in the period between 1409, and
 “ 1429,” ¹ *having lived just long enough to attest the charter in
 the Chartulary of Paisley.*

Such are some of the * answers which the author of the
 Genealogical History of the Stewarts would appear to make
 to the proofs that have been given in corroboration of the state-
 ment contained in the preceding sheets; he, however, has not
 only supplied the proper rejoinders to these answers, but has
 taken care to make the necessary remarks on them: “ *On read-
 ing answers of this sort,*” he observes, “ *there is some diffi-
 culty in being persuaded that the author of them could be in
 earnest.*” Supplement to the Genealogical History of the
 Stewarts, p. 52.

Not contented with giving what might appear as answers to
 some propositions which he thought it expedient to make, a
 feint

¹ Vide Supplement to the Genealogical History of the Stewarts, p. 84.

* In every instance, it may be observed, where the author of the Genealogical History of the Stewarts aims a blow, apparently hostile to the evidence adduced in the preceding sheets, he is always careful that the attack should be frustrated by the defence afforded by his own works. Thus, in p. 86, 87, &c. of the Supplement, he seems to call in question the existence of a second Sir William Stewart, of Castlemilk, or at least doubts his having been a Knight, but in p. 12, he quotes the contract of marriage, where Sir William’s *other son* is mentioned, and in p. 68, he quotes Duncan Stewart, who, in his account of Castlemilk calls that *other son* the second Sir William Stewart, of Castlemilk; in p. 326 of the history, he cites two charters, where that William Stewart is described as a Knight, at a time, it is believed, when his father was a prisoner in England; and in p. 351, he cites a charter, which mentions his death in the year 1440.

feint of opposing, he, on some occasions proceeds to act as if resolved on open hostilities, but this will be found, in fact, to be overt-acts of friendship. In p. 6, of the Supplement, he accuses the writer of these sheets, of furnishing the author of the *Genealogy of the Stewarts Refuted*, with materials; and by way of retaliation, he publishes an account of several papers that had been drawn up some years before, on the same subject, with his observations on them; but the accusation was without foundation. The writer of these sheets had communicated no papers, and had not the honour of being known to that ingenious author. Of the truth of this, the work itself affords internal evidence; for it contains no proof, adduces no evidence, cites no paper, but what had been already quoted in the *View of the Evidence* drawn up for Lord Galloway, or in the *Genealogical History of the Stewarts*. In corroboration of this, the author of that work had made an open and a candid declaration, that he had received no additional intelligence, and that he had made no discoveries. His words are, “ I think it proper here to take an opportunity of declaring, “ that in this letter, no *new* writings or documents have been “ brought forward by me, relating to the present controversy. “ Of those I have cited on different occasions, the whole have “ been, in some shape or other, already appealed to, &c.” Nothing can be more evident than the futility of the charge of communications, which, from the nature of the work, were not requisite, and for the use of a person who was unknown. The account given of the different papers drawn up on the subject of the present enquiry, and the publication of the observations on them, in the Supplement to the *Genealogical History*,

* Vide *The Genealogy of the Stewarts Refuted*, p. 127.

History, page 6, &c. must therefore evidently have originated in friendship. And the charge now proved to have been without foundation, must only have been made as a plausible plea for publishing the observations, in order to bring forward the revival of them, which the author of the Genealogical History had always admired, and which several good judges had been pleased to consider as unanswerable; but whatever be its merits or demerits, it is now given at large in the Appendix, No. 1. It was first presented to Mr. A. Stuart, in the year 1795, in consequence of his observations on the different papers drawn up on the part of the Earl of Galloway. That he was much struck with it is evident, for he requested a correct reference to the particular editions of the different works quoted in the course of it, but no reply to it ever appeared, and no notice was taken of it in any of his subsequent publications. It will serve at least to shew the temper with which the enquiry was prosecuted on the part of the Earl of Galloway, the labour with which the subject was investigated, and the candour with which the evidence was stated, and it may supply the place of an answer to most of the seemingly unfavourable observations, contained in the Supplement to the Genealogical History of the Stewarts. The writer of these sheets had the pleasure to enjoy much of the confidence and friendship of the elegant and ingenious author of that laborious work, and could not *think him in earnest*, when he seemed to differ from the statement contended for in the preceding pages. For after experiencing the constancy of his friendship, and observing with satisfaction how judiciously he disposed the materials that were collected for him, in favour of the cause he had undertaken to support, it was not easy to admit the belief of his defection to the opposite interest. But
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it may be possible, that to avoid incurring the displeasure of a lady, for whom he had confessedly the greatest regard, he had studiously contrived to express himself in such a manner as might not appear unfavourable to her views, while he was fully persuaded that the stubborn facts he related, and the documents he adduced, could not but effectually promote the cause of truth, and corroborate the testimony of all well informed authors, for four centuries. Should this supposition be well founded, it will follow that he is consistent in all his labours, and that the principal design of his book was to befriend the cause he had originally espoused, while the casual arguments that seem to have a contrary tendency, are fully answered by the authorities cited, and the evidence adduced in other parts of his work. It would have been cruel to disappoint female expectation, and unfair to desert the cause of a friend; the only practicable expedient, in such a situation, seemed

¹ Vide the preface to the Genealogical History, p. 8.

^u The apparent attacks occasionally made on the writer of these sheets, at a time when he was really treated with friendship, and when the fruit of his labours had been received with approbation, can only be considered as stratagems, calculated to conceal more important designs, but so managed, that they could do no material injury. The slings of ridicule employed as from a distance against some parts of the proofs in the View of the Evidence, are so directed, that their missile showers fall on the heads of those whom they seemed intended to defend. While the weightier charges that are made, like roared elephants, only serve to throw into disorder the forces they would appear to assist. The appellation *Proteus* (used in p. 89 of the Supplement to the Genealogical History) wherever it applies, cannot be meant of him, who, for fourteen years, has laboured with fidelity and assiduity in the same cause. And abusive language, and accusations of *false quotations, and attempts to deceive the public.* Supplement, p. 59, 60, &c. charges which, in the preceding sheets have been completely refuted,) cannot be believed to have been seriously intended by the author of the Genealogical History, so remarkable for his urbanity, and so versed in the laws of controversy; or, had he been in earnest, when indulging himself in the use of such terms, as they do not seem to contribute much to the illustration of the subject, there is no occasion to follow the example. The writer of these pages does not see any danger of losing his cause, and therefore knows no reason why he should lose his temper.

seemed to be to pursue the plan that has been adopted, to dwell with apparent pleasure, and to throw every flattering lustre on such parts of the Argument, as seemed favourable to the views of the Castlemilk family; but to continue to investigate, with perseverance and impartiality, the monuments of history, and the repositories of ancient records, and to give an ample account of the result, which, from the evidence that had been already discovered, it was fully believed could not but terminate to the advantage of truth, and to the cause of the Stewarts of Garlies.

It is stated with truth in p. 96, of the Supplement, that *the greatest part, if not the whole*, of the admired work of the Genealogical History of the Stewarts, was kindly shewn in manuscript to the writer of these sheets. The generous communication betrayed as much address as liberality. For, at that period, the manuscript contained nothing hostile to the Evidence adduced in the preceding pages. To the party with whom the author of the Genealogical History now seemed to act; this must have appeared like the conduct of a brave and an artful general; for to shew his opponent the disposition of his forces, proved his confidence, and the subsequent addition of fortified and masked batteries, calculated to beat down every thing before them, discovered the profundity of his genius, and the fecundity of his resources; while at the same time he was conscious he could not prejudice the interest of his chief, whom he had apparently deserted; for he had other batteries so wonderfully constructed, that every piece was silenced, as soon as it appeared to be hostilely directed; the attack seemed no sooner to be made in one part of the line, than it was repelled in another, throughout the whole of his works.

It would far exceed the limits of these papers to enumerate all the instances, where, through the whole course of two quarto volumes of six hundred pages, the learned and elegant author has, under the mask of an enemy, conducted himself as an active friend, and under pretence of carrying on * hostilities, effected the most essential service to the cause of his ^y chief, the representative of the Stewarts, of Dalswinton. It will appear evident, on an attentive perusal of the *Genealogical History*, that every apparent difficulty, stated in one page, is removed by the ingenious remark made in another, and every imaginary objection raised against the well-founded claim of the Stewarts of Garlies, has the appearance of being mentioned only that it might be removed by the evidence adduced, and the authorities cited in other parts of these excellent volumes. To reply to such a work, as some, who had not the felicity to perceive its drift, seemed to expect, would have been to receive with rudeness and incivility, the friendly assistance of a powerful and friendly ally. Especially as every apparently hostile attack, that seemed necessary to cover the amicable design, is gently repulsed by the able defence artfully made, when an opportunity presents itself. All that appeared necessary, was to point out, as a specimen of the rest, some of these feint attacks, and the covert manner in which they are effectually repelled, that the design of the work might be observed, and its general tendency perceived. The principal part of the argument in the *Genealogical History*, affords, however, the strongest support to the statement made in the preceding sheets. For the clear and consistent account given of

* Vide the *Genealogical History*, p. 351, &c. Supplement, p. 60, 61, &c.

^y Vide the Preface to the *Genealogical History*, p. 9.

of the origin of the House of Darnley, corroborates the history of Sir William Stewart, of Jedworth, while the evidence adduced to prove Sir William Stewart of ² Castlemilk's connection, with Sir John Stewart, of Darnley, his embarkation for France, his martial achievements in the country, and his fall before Orleans, are the strongest proofs that can be advanced in support of the statement in the preceding pages, relative to the relation in which Sir William Stewart, of Jedworth, stood to the family of Darnley. The author of the *Genealogy of the Stewarts Refuted*, acknowledges, in this respect, the superior merit of the *Genealogical History of the Stewarts*, "The author (saith he) has fully recorded the exploits of the two brothers, and let it be observed that the object of that writer's minuteness is in some sort laudable and important; as from the variety of original evidence he has adduced, both from the authors and the public offices of France, an incontrovertible ² demonstration is established, that Sir William the first, of Castlemilk, was the brother of Sir John Stewart of Darnley." *Genealogy of the Stewarts Refuted*, p. 57. In another part of the same work this is acknowledged in still stronger terms, "the successful researches you," (addressing himself to Mr. A. Stuart,) "made in France, in 1789, have

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² It has been already observed, on the testimony of all authors, that the first Sir William Stewart, of Castlemilk, was the same person, who, from his house in Jedburgh or Jedworth, where he principally resided, was generally called Sir William Stewart, of Jedworth. This is proved by Crawford in his manuscript *History of the House of Garlies*, by Duncan Stewart, in his *History of the Stewarts*, by Sir Robert Douglas, in his *Peerage and Baronage of Scotland*, and by every author of credit, who has written on the subject.

* It is not intended to controvert this demonstration, but a strict adherence to matter of fact, renders it necessary to state that the proofs exhibited, only demonstrate that Sir John Stewart, of Darnley, had a brother Sir William Stewart, they do not amount to a proof that he was of Castlemilk. The proofs adduced in the preceding sheets, shew he was of Jedworth, and he probably might likewise possess the Castlemilk estate.

“ have enabled you to place the close connection of those two
 “ remarkable brothers in a pleasing point of view ; and Lord
 “ Galloway, of all men, is most peculiarly indebted to you,
 “ for thus elucidating the hitherto doubtful transactions of
 “ your mutual ancestor. To substantiate, indeed, any other
 “ portion of the evidence, when compared with this, was an
 “ easy task ; the materials which composed the former, were
 “ mostly to be sought for in our own country ; and it seems at
 “ least doubtful, whether the nobleman, just now mentioned,
 “ would have felt the same genealogical ardour as yourself,
 “ and purposely visited, with such patient industry, the Public
 “ Offices at Paris, the Chapter-house at Orleans, or the Palace
 “ at Aubigny.” *Genealogy of the Stewarts Refuted*, p. 80.

In many other respects the same compliment might have
 been paid, and the same concessions made, to the author of the
 Genealogical History, with equal truth and propriety. The
 laborious investigations relative to the origin of the family, and
 the different branches sprung from the stem of the Stewarts of
 Darnley, elucidate the account, and corroborate the evidence
 given in the preceding pages ; and where any proofs are ad-
 duced, or any argument stated apparently hostile to the genea-
 logical deduction here contended for, close attention to the
 hints that have been given, will discover that an hostile aspect
 is only assumed to cover the amicable designs of an ally, and
 that the unfavourable observations that seem to occur in
 one page, are answered by the statements made, or the autho-
 rities cited in another. The testimonies of all other authors,
 who have written on the subject, tend, it hath been observed,
 to confirm the account here given of Sir William Stewart, of
 Jedworth, and where they appear, in a few instances, to differ
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in some measure from it, they evidently differ from themselves, and cannot be made to appear consistent, but by the correction of the errors, which, as hath been shewn, had, in those instances, crept into their works. Errors, so obvious, that they must be admitted, and of such a nature, that they corroborate rather than oppose the evidence that hath been adduced. While the author of the Genealogical History of the Stewarts, who, to superficial readers, had the appearance of opposing most confidently, the statement made in the preceding pages, will be found in fact to be its most able advocate, and most strenuous supporter. Considering him therefore as a faithful, though disguised friend to the cause of the Stewarts of Garlies, it can be neither a discredit, nor an injury to the subject, should the inference he hath drawn be adopted, and applied as a natural conclusion to the arguments stated, and the evidence adduced in the preceding sheets.

THE CONCLUSION.

“ There cannot be a more complete proof than what has
 “ been exhibited, of the extinction of the whole male line of
 “ the Stewarts descended from Sir John Stewart, of Darnley,
 “ the first Lord of Aubigny in France, grandfather of John
 “ Stewart, the Earl of Lennox, of the Stuart line, excepting
 “ only the Cardinal York.

“ It necessarily follows, therefore, that upon his death, the
 “ representation, in the male line of the Stewarts of Derneley
 “ and Lennox, must devolve upon the person who shall be able to
 “ prove himself descended from Sir William Stewart, the next
 “ brother

“ brother of Sir John Stewart of Derneley, the first Lord of
 “ Aubigny.^b

“ There is no hesitation in admitting that if the genealogical
 “ table” inserted in the View of the Evidence, “ be perfectly
 “ accurate, and capable of being supported by proofs, the
 “ Earl of Galloway must be the undoubted heir male of the
 “ Stewarts of Derneley and Lennox, and likewise of the High
 “ Stewards of Scotland.

“ The author of the Genealogical History having bestowed
 “ several years in the investigation of what relates to the
 “ Derneley family, and, in tracing the different branches of
 “ that family, is ready to admit, that if it can be established by
 “ an authentic instrument, or by any thing deserving the name
 “ of solid good evidence, that Sir William Stewart, of Jed-
 “ worth, was the son of Sir Alexander, or the ^d brother of Sir
 “ John Stewart, of Derneley, or that he possessed the lands of
 “ Castlemilk, as well as those of Dalswinton and Jedworth,
 “ and, in consequence thereof, was sometimes designed of
 “ *Jedworth*, and at other times of *Castlemilk*, then and in
 “ *either of these cases*, he should be of opinion, that the
 “ present Earl of Galloway must be the undoubted heir-
 “ male and representative of the Derneley family, on the
 “ failure of Cardinal York, the last of the male descend-
 “ ants from Sir John Stewart of Derneley; for it is very
 “ well ascertained, that the Earl of Galloway is descend-
 “ ed from, and is the true heir-male and representative of
 “ Sir William Stewart, of Jedworth, whose son John, married
 “ the

^b Vide the Genealogical History of the Stewarts, p. 286, 287.

^c Vide Supplement to the Genealogical History, p. 9.

^d It is apprehended that the evidence, adduced in the preceding pages, must be regarded as *solid good evidence*, and as amounting, collectively considered, to the complete establishment of these facts.

“ the heirefs of Dalfwinton.” *Genealogical History of the Stewarts*, p. 317.

“ In the original charter of the lands of Derneley, &c. in favour of Sir John Stewart, with remainder to his brothers, Walter and Alexander, there is a clause, declaring that failing these three brothers, and the heirs male of their bodies, *the nearest heir male that can be found of the blood and name of the said Sir John Stewart, and the heirs male always of such heirs male, shall succeed to the said Sir John Stewart, and his brother for ever thereafter.*” Id. p. 71.

“ Charles Stewart the Sixth, Duke of Lennox, who died at Elfineur, in December, 1672, was the last of the male descendants from Esme the first Duke, in whose favour the Dukedom of Lennox was erected in 1581, with a destination to him, and the heirs male of his body; but as that Dukedom was by a royal charter in the year 1583, in favour of Ludovic, the son of Esme the first Duke, expressly granted to Ludovic, and his heirs male whatsoever, so King Charles II. of Great-Britain, though not lineally descended from either Esme the first, or from Ludovic the second Duke of Lennox, yet as the nearest *collateral heir male* of the last Duke of Lennox, was entitled to and claimed the estates of the Dukedom, in consequence of the death of Charles the sixth Duke, who was the last male descendant from any of the Dukes of Lennox.

“ King Charles’s titles to the estates, composing the Dukedom of Lennox, were made up according to the laws and
“ practice

• It is evident from the whole of the History of the House of Darnley, that the titles of Earls and Dukes of Lennox, and every other title of honour acquired since this period, by the family, actually descended, agreeably to the terms of this charter.

“ practice of Scotland, and the same forms were observed in
 “ the case of the Sovereign claiming this succession, as if it had
 “ been a private individual who claimed it in the manner di-
 “ rected by the inquisitions *post mortem*; for there was a jury
 “ assembled at Edinburgh, in the month of July, 1680, to
 “ whom the title deeds, under which his Majesty claimed the
 “ succession, were presented, and the proofs of his Majesty’s
 “ being the nearest collateral heir male of the Dukes of Len-
 “ nox, were produced; upon consideration whereof, ^f the
 “ Jury, upon the 6th of July, 1680, pronounced their verdict
 “ in the usual form, ascertaining his Majesty’s right to the
 “ Lennox estates, as the nearest collateral heir male, being de-
 “ scended from Matthew the fourth Earl of Lennox, who was
 “ uncle of Esme Stuart, the first Duke of Lennox.

“ Frances, Duchess of Lennox, ^g the widow of Charles the
 “ sixth, Duke of Lennox, who died in December, 1672, had a
 “ right to the enjoyment of the Lennox estates, during her
 “ life, and there was a charter under the Great Seal in her fa-
 “ vour passed for that purpose, December 22d, 1673.

“ By letters patent, dated at Windsor, September the 9th,
 “ 1675. King Charles II. created Charles Lennox, (natural
 “ son to his Majesty, by the Dutchess of Portsmouth, Duke of
 “ Lennox, Earl of Darnlie, and Lord of Torbolton. ^h)

“ The

^f Records of Chancery in Scotland, Book xxxvii. folio 211.

^g The Earldom of Lennox, (i. e. the estate appertaining to the Earldom) likewise
 appears to have been occasionally claimed by females, as in the following instance recorded
 in a manuscript, in the British Museum; but though they may have, as next heirs,
 obtained certain portions of the estate, the title seems invariably to have descended to
 the *next heir male*. The Regent’s answer concerning the Lady Arabella. Lord Morton,
 Regent. “ The admission of the Lady Arabella, to the Earldom of Lennox, although
 “ there

" The patent recites, that, it being known to his Majesty,
 " that the Dukes of Lennox, and their predecessors, had, for
 " many ages past, been splendid and illustrious noblemen in
 " his ancient kingdom of Scotland, and had endeared them-
 " selves to his Majesty, and to his predecessors, by many signal
 " services, therefore, being desirous, and resolving that the titles
 " of honour, hereinafter named, pertaining and belonging to
 " the Dukes of Lennox, but now falling and descending to
 " his Majesty as *heir male* of the deceased Duke of Lennox,
 " *should by no means be suppressed and confounded in his royal*
 " *person*, but that they should be *created*, preserved, and esta-
 " blished in the person of some man nearly related to him;
 " his Majesty, for the love and favour which he bears to his
 " most beloved natural son, Charles Lennox, makes, con-
 " stitutes, and *creates* the said Charles Lennox, Duke of Len-
 " nox, Earl of Darnlie, Lord of Torbolton. Upon the 20th
 " of August, 1680, a charter passed under the Great Seal of
 " Scotland, in favour of the said Charles Lennox, Duke of
 " Lennox, and Richmond, by which the lands, dukedom,
 " earldom, and lordship of Lennox, were granted to him, and
 " to the heirs male of his body, whom failing to return to his
 " Majesty, his heirs and successors. The charter recites the
 " right which his Majesty had to these lands as *nearest heir*
 " *male* of the deceased Charles, Duke of Lennox, and contains
 " a reservation to the Dutcheffs of Lennox, his widow, of the
 " right

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there were no other doubt, could not now be accomplished, for that by the death of her
 father, the Earldom falleth into the King's hands by reason of Ward, and cannot be admit-
 ted before eighteen years of age, and that he had rather the king should make choice, whom
 of his so near kinsfolk he would prefer." Harl. MSS, No. 289, p. 99.

“ right which she had to the estate during her life; which
 “ liferent right she enjoyed during many years.”

“ After the death of the Duchess Dowager, the Duke of
 “ Richmond and Lennox, about the beginning of the present
 “ century, sold the whole of the Lennox estates belonging to
 “ him in Scotland; and they were purchased by the ancestors
 “ of the present Duke of Montrose from the person to whom
 “ the Duke of Richmond had sold them.”

———— “ These vast estates, if the succession to them had
 “ been secured by the clauses of a strict entail, must have gone
 “ to the person who shall now be able to prove himself the
 “ *nearest heir male collateral* of Sir John Stewart, of Darnley,
 “ (by the same rule that these estates went in the year 1680 to
 “ king Charles II. as the *nearest heir male collateral* of the fa-
 “ mily, though not descended from any of the Dukes of Len-
 “ nox;) yet all the Lennox estates in Scotland, where their
 “ property chiefly lay, were sold by the commissioners of the
 “ Duke of Lennox in the beginning of the present century, to
 “ purchasers for valuable considerations, who have enjoyed
 “ those estates long beyond the years of prescription; there-
 “ fore, their rights to the estates so acquired by them, even if
 “ they had been originally subject to any doubt or imperfec-
 “ tion, are now beyond all possible reach of challenge.

“ Still, however, there remains the *honor* of belonging to,
 “ or

▲ It has been thought that “ though the prior settlement of the estates might be defeated
 “ by the grant made by king Charles II. in the year 1680, in favour of Charles Lennox,
 “ Duke of Lennox and Richmond, his son, by the Duchess of Portsmouth;” that the
honors originally appertaining to the Stewarts of Darnley and Lennox, and their heirs male,
 could not with justice be alienated from them. For the *honors* were conferred on the Stewarts
 of

“ or being connected with, those whose virtues and talents had
 “ rendered them so eminent, and so dear to their country. Nor
 “ will it be deemed a blameable or unworthy ambition in any
 “ man, sincerely convinced of the fact, that he should be de-
 “ sirous to establish the truth of that connection by the most
 “ unquestionable proofs, and should wish to submit to public
 “ scrutiny and discussion, the foundation of the pretensions to
 “ the honour of being the *heir male and representative of the*
 “ *Derneley and Lennox families.*”

But whatever be the honour attending this family connec-

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tion,

of Darnley, and their nearest *collateral heirs male*, and this was not a mere matter of form, but the title of “ Duke of Lennox, &c. was by a royal charter, in the year 1583, in favour of Ludovic, the son of Esme, the first Duke, expressly granted to Ludovic, and *his heirs male subsistent.*” If the destinations of titles of honour can be altered at pleasure, letters patent are of no avail, and royal grants nugatory; but if royal grants and letters patent be the only authoritative marks of the channel in which family titles, (springing from the king as the fountain of honour) should flow, the current cannot be arbitrarily stopped, nor diverted to another race, (except in cases of forfeiture,) without violating every principle of law or custom, upon which such rewards of public services, and proofs of royal munificence, have ever been granted. King Charles II. succeeding to the title as nearest *collateral heir male* to the deceased Duke of Lennox, and wishing *it should by no means be suppressed and confounded in his royal person*, might, as a *new creation*, make his natural son Charles Lennox, Duke of Lennox, *that the honor might be preserved and established in the person of some man nearly related to him*; and while the king and his successors betrayed no design to assume the title, the honors might, consistent with law and ancient usage, be permitted to descend in that direction. But the moment King Charles the second’s legal heirs male should become extinct, the original title could not in prejudice to the right of the *nearest collateral heir male*, be diverted from its primary destination; the king, as he had the power, might have his reasons for forming a *new creation*, and bestowing new honours on the Lennox line, but it would be contrary to custom, and in direct opposition to all law and justice, that the loyal and ancient family of the Stewarts of Darnley, and their descendants, who not only had been guilty of no crime, but whose conduct on all occasions, had been most meritorious and exemplary, should, without any cause, and for no apparent reason, be deprived of a title, which they had acquired by their public services, and which had continued for so many centuries in their family.

tion, great pains have been taken to ascertain to whom it appertains. " King Charles not being descended," as the author of the *Genealogical History* expresses himself, p. 285, " from any of the six Dukes of Lennox, he could not have taken up the succession as *heir male collateral*, if there had been descendants in the direct line from any of these Dukes. King Charles's special service, in the year 1680, as *nearest heir male collateral*, amounts therefore to a complete proof of the extinction of the whole of the male descendants from Esme Stuart, the first Duke of Lennox, only son of John Stuart, Lord of Aubigny, Governor of Avignon, who died in the year 1560.

" It remains therefore only to be examined, whether in the generations which preceded that John Stuart, Lord of Aubigny, there now exist any male descendants from the Sir John Stewart, of Derneley, who was killed during the siege of Orleans, in the year 1429, after the extinction of the whole race of the Stuarts, Earls and Dukes of Lennox, descended from him.

" The answer to this question must be perfectly obvious, on inspection of the tree of the family, compared with the preceding *Genealogical History*, wherein every one of the male descendants from that Sir John Stewart, of Derneley, have been particularly named, and an account given of such of them as left any posterity; the result of which is, that all the younger branches of the Stuarts of Derneley and Lennox, descended from John, the third Earl, and from Matthew, the fourth Earl of Lennox, having failed, by the deaths

; Vide the *Genealogical History* of the Stuarts, p. 285, &c.

“ deaths of the Earls and Dukes of Lennox, without male
 “ posterity, the only male descendant now existing from the
 “ said Sir John Stewart, grandfather of John, the first Earl of
 “ Lennox, is the Cardinal York, as being descended from King
 “ James VIth, only son of Henry Lord Darnley, eldest son
 “ of ¹ Matthew the fourth, Earl of Lennox, who died in the
 “ year 1571.

“ The pedigree from Henry Lord Darnley is so well
 “ known, that it is scarcely necessary to state it. His only son
 “ was King James I. of England, who died in March, 1625,
 “ succeeded by his son, King Charles I. succeeded by his son,
 “ King Charles II. who died in February 1685, succeeded by his
 “ brother King James II. of England, who died in August,
 “ 1701, from whom descended Charles, who died without
 “ issue, in the year 1787, and Henry the youngest, who is
 “ the present Cardinal York, at Rome, who never was mar-
 “ ried,¹” &c.

“ It has been before observed, that the author of the Ge-
 nealogical History of the Stewarts acknowledges, “ that he
 “ had been accustomed to believe, because he had often heard
 “ it asserted, that Lord Galloway’s family had the best ~~proten-~~
 “ sions to be at the head of the Stewarts after Cardinal York’s
 “ death.” ² It has likewise been remarked, in the preceding
 sheets, that the author of the Genealogical History “ is ready
 “ to admit that if it can be established by an authentic instra-
 “ ment, or by any thing deserving the name of solid good evi-
 “ dence,”

¹ This Matthew, Earl of Lennox, acknowledges in his letter, dated 1542, &c. that Sir Alexander Stewart, of Gathies, was his near kinsman.

² Vide the Genealogical History of the Stewarts, p. 286.

³ Vide the preface to the Genealogical History of the Stewarts, p. 9.

“ dence,” (which it is apprehended hath been satisfactorily done in the proofs adduced in the foregoing pages,) “ that Sir William Stewart, of Jedworth, was the son of Sir Alexander, or the brother of Sir John Stewart, of Darnley, or that he possessed the lands of Castlemilk, as well as those of Dalswinton and Jedworth, and in consequence thereof, was sometimes designed of Jedworth, and at other times of *Castlemilk* ;” (vide Duncan Stewart’s History of the Stewarts, article *Castlemilk*,) “ *then and in either of these cases*, he should be of opinion, that the present Earl of Galloway must be the undoubted heir male and representative of the Derneley family, on the failure of Cardinal York, the last of the male descendants from Sir John Stewart of Derneley :” * It is likewise acknowledged by the same author, (p. 321,) “ that the competition between the Earl of Galloway and the Stuarts of Castlemilk, for the representation of the Derneley family, will be brought within a narrow compass ; for it will depend on this point, which of them shall be able to prove, by the most unquestionable evidence, that he is descended from Sir William Stewart, the brother of Sir John Stewart of Derneley. † ”

The excellent author from whom these passages have been cited, was well aware that this descent is established by the most irrefragable proofs, by the evidence adduced in the preceding pages, by the avowal of the Earls of Lennox in official letters subscribed by their own hands, and the public declaration of King James

* He never possessed the lands of Dalswinton, this is an egregious error, it was his son who married the heiress of Dalswinton, who first acquired the possession of those lands.

• Vide the Genealogical History of the Stewarts, p. 317.

† Vide the Genealogical History of the Stewarts, p. 321.

James, and Ludovic, Duke of Lennox, then at the head of the Derneley family, in the patent creating Sir Alexander Stewart, Lord Garlies, "for it is well ascertained that the Earl of Gal-
 " loway is descended from, and is the true heir male and repre-
 " sentative of Sir William Stewart, of Jedworth, whose son
 " John married the heiress of Dalswinton¹".

It has been likewise shewn in the preceding pages, that the author of the Genealogical History, whatever tendency to support an opposite opinion, may, at first sight, appear in some part of his works, virtually admits that, (Sir William Stewart of Jedworth and Castlemilk, having two sons, John, who carried on the Dalswinton line, and William, from whom the Stewarts of Castlemilk derive their origin,) the Earl of Gallo- way is evidently descended from the eldest son, and his competitors from a younger brother. This opinion he supports by frequent references to Duncan Stewart, the author of the History of the Stewarts, who is represented as an author of the first credibility, and who gives this account of the origin of the House of Castlemilk. This statement is further corroborated by appeals to the testimony of George Crawford, Sir Robert Douglas, &c. who, however erroneous they may be in other respects, concur in the most material parts of the evidence necessary to establish these important facts. Whatever therefore is said of the *rights* of the Castlemilk family, and whatever is stated relative to the affinity of that respectable branch of the Stewarts, to the Stewarts of Derneley and Lennox, must evidently be intended to prove *a fortiori*, the prior claim of the Stewarts of Garlies, who are confessedly the offspring of
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¹ Vide the Genealogical History of the Stewarts, p. 327.

an elder branch of the Stewarts of Lennox and of Derneley. It is apprehended, that it must unquestionably have been from these motives, that the author of the Genealogical History has given the following luminous account of his conduct, and the objects he had in view in the course of his proceedings, with regard to the publication of the proofs adduced in support of the Castlemilk cause. "The whole of this part," (of the evidence) "was drawn up, printed, and circulated," (saith he) "in the life-time of Sir John Stewart, about three years before his death, with a view to support his claim for being served, and declared lineal heir male and representative of the first Sir William Stuart, of Castlemilk, as descended from him, in a course of succession, which had uniformly been carried on in the male line for the space of about four hundred years. That service was intended to have taken place ere now, if Sir John Stewart had lived."——But, "in the short period since that state" (of the evidence) "was printed and circulated in the year 1794, two deaths have happened, which have produced an alteration in the representation of the Stewarts of Castlemilk, and of Torrance; Alexander Stewart, proprietor of the estate of Torrance, and the nearest heir male of the Castlemilk family, died on the 29d of March, 1796, without issue; whereupon Andrew Stuart, his immediate younger brother, succeeded him in the estate of Torrance; and the said Sir John Stewart of Castlemilk, having died on the 18th of January, 1797, without issue, the said Andrew Stewart has succeeded to the estate of Castlemilk, as being then the nearest heir male of the said Sir John Stewart, his cousin——Hence it follows, that the right which belonged

to,

“ to, and was claimed by, the deceased, Sir John Stewart, of
 “ Castlemilk, of being the lineal heir male and representative
 “ of Sir William Stewart of Castlemilk, and of course there pre-
 “ sentative and heir male of the Derneley and Lennox fami-
 “ lies (after the death of Cardinal York,) has devolved upon
 “ the said Andrew Stuart, of Castlemilk and Torrance, who is
 “ now the person entitled, and must feel it to be his duty to
 “ assert the rights belonging to the Castlemilk family, in the
 “ same manner that the late worthy proprietor of the estate,
 “ Sir John Stuart, while at the head of the family, intended to
 “ have done.”

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* It is impossible to consider Mr. Andrew Stuart, as *serious* in this part of his statement, where he represents *himself* as “ heir male of the Derneley and Lennox families,” during the existence of an elder branch; but admitting, for the sake of argument, the truth, and consistency of this part of his statement, the truth and consistency must likewise naturally follow of a declaration which he has been often heard publicly to make, that after his decease, the representation of the Darnley and Lennox families, would revert to the present Earl of Galloway and his heirs male.

* The rights here alluded to are evidently the honours anciently appertaining to the Stewarts of Lennox and of Derneley. For, as stated in a note on a preceding page, King Charles II. succeeded to the Dukedom of Lennox, as next *collateral heir male* on the death of Charles Stuart the Sixth, Duke of Lennox. By the tenor of the patent, the title of Duke of Lennox descended to him and his heirs male lawfully begotten, and might have been used by him, had he not been possessed of higher honours, and titles of greater lustre. The king had the power to make a new creation in honour of the family of any title that might be suggested to him; but it is apprehended that he could not, consistently with the existing laws, mean to transfer to another family, the titles enjoyed, and the honours possessed, for so many centuries, by the Stewarts of Darnley and of Lennox. The original titles of honour, therefore, appertaining to the Stewarts of the house of Lennox, would, in conformity with ancient usage, and the tenor of the patent, revert, whenever the lineal legitimate descendants of King Charles II. became extinct, to the next *collateral heirs male*. And on the extinction of the Stewarts descended from Sir John Stewart, of Darnley, who fell before Orleans in the year 1429, the titles they possessed, would naturally, it is concluded, devolve on the descendants of his next brother Sir William Stewart, of Jedworth, who attended him at the siege of Orleans, and who was the undoubted progenitor of the Earl of Galloway.

The result of the whole appears to be, that every argument, usually resorted to on similar occasions, may be used with happy effect, in support of the proofs adduced to demonstrate the affinity subsisting between the Stewarts of Garlies, and the Stewarts of Darnley; the direct evidence, the circumstantial and presumptive proofs, the extraordinary coincidence of history, to that effect, stated in the preceding pages, seem to place that fact beyond the reach of doubt. The truth of that statement is further confirmed by every adventitious circumstance that can, in any respect be considered as connected with the object of enquiry, and it is corroborated by the important services and long sufferings of the family in the cause of the Stewarts of Darnley; by the grants made to them, and the honours conferred upon them at different periods, by the testimony borne in their favour as their relatives, by the principal representatives of the House of Lennox, and by every respectable author, who has contributed by his labours to the illustration of the subject; and it is observable, that wherever any author appears to advance any thing inconsistent with the Genealogical statement made in the preceding sheets, he is inconsistent with himself. The author that appears most minutely to have investigated, and most strenuously to have opposed the evidence adduced in the preceding pages, is the author of the *Genealogical History of the Stewarts*;

* The proofs from the testimony of authors, and from armorial bearings, &c. are pursued more at large in the *View of the Evidence*, vide the *Appendix to the View of the Evidence*, p. 92, &c. where it appears that the arms anciently borne by the Stewarts of Darnley and Lennox, were precisely the same with those still used by the Stewarts of Garlies, except that the *bend* was borne *engrailed* by the latter, which, in ancient days, was a mark of cadetcy. But the arms of the Stewarts of Castlemilk display a much greater difference, as they bear the *bend surmounted of a fess cheque*, and not the *fess cheque surmounted of a bend*, Nisbet's *System of Heraldry*, Vol. 1st. p. 49, &c.

Stewarts ; but it has been clearly seen, that, when duly understood, all his arguments tend manifestly to the support of the statement here contended for, that Sir William Stewart of Jedworth, from whom the Stewarts of Garlies are lineally descended, was the " brother of Sir John Stewart, of Darnley. This fact might have been supported by further evidence, and corroborated by other arguments, but it is apprehended, that that is unnecessary ; for further proofs in support of a fact become superfluous, when the fact is established by the examination of an opponent's own witnesses.

▪ That Sir William Stewart, of Jedworth and Castlemilk, the lineal progenitor of the Earl of Galloway, was the brother of Sir John Stewart, of Darnley, appears to have been completely established by the preceding proofs. The Stewarts of Castlemilk, as the descendants of a younger brother, are frequently represented by the Darnley family, as their relatives, but neither the sufferings they endured, the services they performed, nor the honours they acquired, seem to bear any proportion to those allotted to the Stewarts of Garlies ; the latter therefore, it is natural to conclude, were there no other evidence, must have stood in the nearest point of affinity to the Stewarts of the Houses of Darnley and of Lennox.

F I N I S.

APPENDIX.

No. 1.

*A Revisal of the Observations upon the Papers drawn up on Behalf of the
EARL of GALLOWAY, presented to A. S. Esq. in the year 1395.*

IN the collection of evidence adduced in the papers under examination, the greatest attention was paid to the authenticity of the charters, and the veracity of the historians from whence the different proofs referred to were extracted. Nothing has been admitted, which did not appear to be founded on the most unexceptionable authority, and where in some parts of the collateral evidence references to original records have been omitted, the omission arose from an idea that it was not necessary to pay equal attention to all parts of the proofs, and that brevity was desirable where it could be attained without injuring the cause, which it was intended to support. From the general candour manifested in the course of the observations on these papers, and the readiness with which the truth of the evidence, supported by extracts from original charters is admitted, it is confidently believed, that the consistency of the whole of the proofs would have been acknowledged with equal facility, had they been equally supported by citations from writings of avowed authenticity. In the following pages, it is not intended to controvert the justice or propriety of the observations that have been made on those papers; but solely to supply the most obvious deficiency that arose from the omission of necessary references, and to render those parts of the genealogical line of the Stewarts, which are now regarded as feeble and defenceless, as far as possible, secure and unassailable. It is admitted in page 4, of the observations alluded to, that if the "genealogical table of the Stewart family is perfectly accurate and capable of being supported by proofs, the Earl of Galloway must be the undoubted heir-male of the Stewarts of Darnley and Lennox, and likewise of the High Stewards of Scotland." The first eight

articles

articles inserted in the genealogical table, beginning with "Alexander Stewart, Lord High Stewart of Scotland, who had a charter of the lands of Garlies, in the year 1362, and ending with Sir Alan Stewart, of Dreghorn, 1333," are likewise allowed to be perfectly correct. But as some objections are made to the remaining articles in the genealogical table, it is apprehended that these objections arose principally from the omission of evidence, to corroborate the more modern part of the genealogical deduction, and that when the authorities on which that part is founded are fairly stated, that it will be deemed as unobjectionable as any of the preceding articles.

The authorities on which Robert Stewart is represented as the eldest son of Sir Alan Stewart, of Darnley, are first, the general testimony of all the ancient genealogists, that there existed a Robert Stewart of Cruxton, the usual designation assumed by the heir of Lord Darnley before his accession to the title. The prevalence of this opinion is alluded to by Symson, in his *History of the Stewarts*, p. 44. He asserts, it is true, that tradition had committed an anachronism, with respect to the part of the Genealogical Tree, in which it had placed Sir Robert Stewart of Cruxton, but with regard to his existence at a subsequent period, he does not attribute to it any error. "Our historians and genealogists, &c. have foisted in a Robert, another son of this Walter, and made him ancestor to Darnley and Lenox, but without ground, as shall appear in the appendix to the next chapter." The second authority, on which this account is founded, is that of Lesley, bishop of Ross in his history of Scotland, "*Namcum Robertus propensionem ac indolem quandam ad virtutis honorisque studia maximam præ se tulisset, a patre fundis Turboltonis donatus filliam heredem Roberti Crux a Cruxton uxorem ascisens, equites Baronesque de Darnle ac comites, Lenoxios genuit. Lesleys de Rubus gestis Scotorum,*" p. 246. It was thought, that whatever error there might be in these accounts, with regard to the period at which Robert Stewart is said to have lived, and the precise nature of the connexions he is supposed to have formed, that the story could not be without some foundation, and that facts founded on such authorities, though, from the length of time, in a great measure, forgotten or misrepresented, might still merit attention and examination, and that by the careful removal of the rubbish under which, through indolence or ignorance, they have so long lain buried, the exact truth, with respect to them, might yet be developed, and the most essential particulars relative to them be discovered: considerable assistance to effect this desirable purpose, it was thought might be derived from the other authority, on which the account given of Robert Stewart in the genealogical table is founded the testimony of George Crawford, who, in his peerage of Scotland, affirms, that in the registers of the monastery of Paisley, Robert Stewart, Lord of Cruikston, was bailie to the High Steward of Scotland, within the barony of Renfrew, in the year 1315. It is admitted that the year 1513 is that which is mentioned by Crawford, but this is evidently a typographical error,

error, which probably originated from an accidental transposition of the figures. The year 1315 answers to the period when Sir Alan Stewart might naturally be supposed to have had a son of the age attributed to Robert Stewart. Sir Alan Stewart, of Darnley, was the second son of Sir John Stewart of Bonkill, who was slain in the battle of Falkirk, 1298, Sir John Stewart was of an advanced age at the date of the battle of Falkirk, and left seven sons and a daughter; most of the sons are mentioned early in the fourteenth century, as having acted a conspicuous part in the expedition to Ireland, whence it may naturally be concluded, that the second son was of mature age some years prior to his father's decease. The rank and estimation which Sir Alan actually bore in Bruce's army, during that expedition, are evident proofs of his age and experience. "In this action, Alan Stewart was made prisoner (says Sir David Dalrymple), he appears to have had a chief commander, for the annals of Ireland mention his being brought to Dublin as a remarkable event, the 5th of December, 1316. He was, if I mistake not, the eldest son of Robert Stewart, of Darnley and Crookstown." Crawford's History of the House of Stewart, p. 72. Annals of Scotland, Vol. II. p. 68. This circumstance not only strongly corroborates the conjecture with respect to Sir Alan Stewart's age, but affords some evidence with respect to the existence of Robert Stewart. He could not, however, have been the father of Sir Alan, for Sir Alan may be proved, on the most unexceptionable authority, to have been the son of Sir John Stewart of Bonkill. But as all authors conspire to demonstrate the existence of a Robert Stewart of the family of Darnley, about this period, it appears an unavoidable consequence, that he must have been the son of Sir Alan. His age perfectly corresponds with what might be consistent with the age of the eldest son of Sir Alan Stewart, and with the account given of his having acted as bailiff to the High Steward of Scotland, in the year 1315. The next authority, on which the first article objected to in the genealogical table is founded, is a passage in Rymer's *Fœdera*, where Sir John Stewart, of Darnley, is described as the son of Sir Alan Stewart. "Johan Stewart, fitz Monsieur, Alein Stewart." Rymer, Vol. V. p. 200. As his father, Sir Alan Stewart was killed at the battle of Halidown-Hill, 1333, it seems natural to conclude, that his son, Sir John Stewart, would have acceded to the title, and that he would have been designated de Darnley, had not that designation been during that interval appropriated to another; this conclusion will appear the more reasonable, when it is recollected, that in the year 1342, he assumed the usual designation of the principal representatives of his family, *de Darnley*. In a charter of Robert de Graham to the monastery of Melrose, dated July the 11th, 1342. Johanne Senescallo de Darnley, militis, is one of the witnesses. Johanne Stewart de Darnley is likewise mentioned in a charter dated in the year 1344. Vide Nisbet's Appendix, Vol. II. p. 62. On mature reflection, and a candid examination of all concurrent circumstances, it is apprehended that the most rational way of accounting for this variety in the designation of Sir John Stewart is, that he had, agreeable

to the testimony of the authorities already cited, an elder brother, Robert Stewart, of Crobkeston, who, on the death of his father, in the year 1333, succeeded to the title of Darnley, and who continued to use that designation, till some time between the year 1340, and 1342, when apparently, on his death, without issue, Sir John Stewart succeeded to the title. These are the principal reasons for inserting the name of Robert Stewart in the genealogical table at the period that has been mentioned. Whether they will be regarded as authority sufficient to justify the insertion, is merely a matter of opinion. Should they be deemed too feeble a foundation for the conjecture that has been raised on them, the conclusion inferred from them, will be resigned with alacrity, as it was formed with impartiality. It is very foreign from the design with which these papers have been drawn up, to persist pertinaciously in any system of genealogical deduction. An accidental error will be admitted, with as much facility, as the truth will be investigated with perseverance and industry. It is impossible, however, to forbear the observation that much slighter evidence *in re tam atiquâ*, appears often to have been admitted by the most competent judges, and, to use the words of the most judicious of Scots antiquaries, "some are so critical, that they will believe nothing less than demonstration, others are so tenacious, that they will adhere violently to the inadvertent assertions of favourite authors; but if the above particulars be sufficiently weighed, considered, and compared with candour and judgment, there is no doubt but they will effectually support the account that has been given." Symson's *Stewarts*, p. 73.

With respect to the objection raised against an application of the title of *de Jedworth* to John the son of Sir Alan Stewart, of Darnley, it may be observed, 1st, That the title of *de Jedworth* having been confessedly used by Sir John Stewart, of Bonkill, it would have been natural to expect that it would have descended to his eldest son. But as it evidently appears, that his eldest son, Sir Alexander Stewart, never assumed any designation beside that of *de Bonkill*, it seems more probable, that the title descended to the second son, Sir Alan, than that in violation of the usual privileges of seniority, it should have been given away to any of the younger sons. 2dly, As Sir Alan Stewart is mentioned in the year 1316, as one of the principal commanders under Edward Bruce, during his expedition to Ireland, it appears perfectly consistent with the age, requisite to act with propriety in such a capacity, that he should have been sufficiently advanced in life to have a son arrived at the age of maturity in the year 1323, when Johannes Senescallus *de Jedworth* is mentioned in the chartulary of Kelso. 3dly, As John Stewart of Jedworth, mentioned in the year 1323, was not a knight, it seems more consonant with the description of a young man, and more applicable to the grandson of Sir John Stewart, of Bonkill, than to his son, who is thought to have distinguished himself in the Irish expedition. The youngest sons of Sir John Stewart, of Bonkill, if any credit be due to Symson, and the chronicles of Ireland, appear to have been

APPENDIX.

been knighted as early as the year 1316; it seems therefore improbable, that his third son, Sir John Stewart, should have been suffered to continue destitute of that honour till the year 1323, or later. A Sir John Stewart is frequently mentioned in the History of the Wars of Ireland, in the years 1315, 1316, &c.

Schyr John Stewart, a noble knyght,
Was wounded throw the body thar
With a spar that sharply sehar,
Bot to Montpelier went he syne,
And lay thar lang intill helyne,
And at the last helyt was he.

BARBOUR BRUCIAD, Book XV. v. 80.

There can be little doubt that this Sir John Stewart must have been the son of Sir John Stewart, of Bonkill, who, on that occasion, had embarked in the same cause with the rest of his brothers. And if any credit be given to the testimony of Barbour, it will evidently follow that the Sir John Stewart described as invested with the honour of knighthood, in the year 1316, could not possibly be the same person who is represented as devoid of that honour, in the year 1323. To this it may be added, that the duration of Sir John Stewart's residence at Montpelier, is uncertain; if the account of his having repaired thither be founded in fact, and if it be supposed that he continued there some years, it will throw another obstacle in the way of his being the person described in the chartulary of Kelso, as bailiff to the abbot of that monastery, in the year 1323. 4thly, It is admitted that most genealogical writers, who have had occasion to trace the ancestral line of the Stewarts, have mistaken this John Stewart mentioned in the chartulary of Kelso, in the year 1323, for John Stewart, the third son of Sir John Stewart, of Bonkill, and have assigned for their reason, the account given of the fall of three sons of that family, soon after this period at the battle of Hallidown-hill, 1333, amongst whom the name of John Stewart is recorded; but they seem not to have adverted to the circumstance of the son of Sir John Stewart, of Bonkill's being knighted long, prior to this period, while the John Stewart described, *of Jedwith*, was apparently young, and not yet invested with that honour. The accuracy of Lord Hailes, however, has discovered another reason, which seems clearly to demonstrate, that the person killed at the battle of Hallidown-hill, was not the same who was described as *de Jedwith*, in the year 1323. He refers to original manuscripts of undoubted authority, to prove that it was Sir John Stewart described *de Daldon*, who was killed at Hallidown-hill, 1333. This John Stewart is called *of Daldon*; Ms. Barnes, Colden; Dalrymple's Annals of Scotland, Vol. II. p. 307. As it seems evident, therefore, that it was not the son of Sir John Stewart of Bonkill, who was designed *de Jedwith*, in the year 1323, and as there was no other person at that period in the family, who bore the name of John Stewart, except John Stewart, the
son

son of Sir Alan Stewart, of Darnley, it appears a fair conclusion, that it was the latter John Stewart, who used the designation of *de Jedwith*; especially as it is evident, that John, the son of Sir Alan must have been of mature age in the year 1323. These are some of the reasons which occasioned the insertion of the names of Robert and Sir John Stewarts, in the genealogical table, as the sons of Sir Alan Stewart, of Darnley. It has been further observed, in a former * paper, that Sir John Stewart, of Bonkill, being the second son of Alexander, Lord High Steward of Scotland, and enjoying the title of *de Jedwith*, that title descended to his second son, Sir Alan, and continued to be the designation of the second son of that family for above a century. Upon the whole it is apprehended, that on a candid examination of all the preceding authorities, it will not be contended, that the representation of Sir John Stewart, of Darnley, as having used the designation of *de Jedwith*, prior to his succession to the Darnley estate, was an unwarrantable assumption. The proofs of that fact appeared as unexceptionable, as genealogical evidence at so remote a period can be generally supposed to be; at least, such is the conclusion that has been drawn from them, after the maturest reflection; a conclusion, not the result of prejudice or partiality, but of laborious research, and persevering investigation.

The next objection made to the genealogical table is, that two Sir John Stewarts, the father and son, are said successively to have enjoyed the estates of Darnley. But this fact is not stated without the authority of what appeared to be sufficient evidence. Sir John Stewart, the son of Sir Alan Stewart, has been thought, for the reasons already assigned, to have been the person designed *Johannes Senescalli de Jedwith*, in the year 1323. From the age of Sir John Stewart, of Bonkill, when killed at Falkirk, in the year 1298, from the age of Sir Alan Stewart, of Darnley, in the year 1325, it is natural to conclude, that Sir John Stewart, the son of Sir Alan, must have been of mature years, at least as early as the year 1323. In the year 1340, when Sir John Stewart is mentioned in Rymer's *Fœdera*, he must have been considerably advanced in life, because his father, who fell in battle at no early period of his age, had now been dead seven or eight years, and because on comparing the history of the Darnley family, with that of the Dalswinton line, such a conclusion appears perfectly consistent; for Sir Walter Stewart, of Dalswinton, was the brother of Sir Alan Stewart, of Darnley, and was therefore contemporary with him; and Sir John Stewart, of Dalswinton, son of Sir Walter, must have been contemporary with Sir John Stewart of Darnley, the son of Sir Alan. But Sir John Stewart, of Dalswinton, was of no youthful age in the year 1345, when, according to Rymer's *Fœdera*, he was taken prisoner at the battle of Durham. Vide Rymer, Vol. V. p. 534. Sir John Stewart,

* These papers were at different times communicated to A. S. Esq; in consequence of that friendly intercourse which prevailed between the families, and the desire expressed on both sides to investigate the question fairly, candidly, and impartially.

of Dalswinton, appears soon after the battle of Durham, as a witness to a charter of Ferguson of Craigderrog, yet extant together, with two or three of his sons. The circumstance of the sons of Sir John Stewart, of Dalswinton's being of sufficient age to attest a charter, renders it probable, that Sir John Stewart of Darnley's son, must likewise, at that period, have been of considerable age; as the two collateral lines must have run parallel to each other. This charter of Ferguson, of Craigderrog has been examined, and is found to answer the description that has been given of it. Nisbet, in his System of Heraldry, gives the following account of it: "a charter is extant in the hands of the present Laird of Craigderrog, which is granted by John of Crawford, son to the Laird of Dalgarnock, to John Ferguson Dominus de Craigdarrock, his cousin, *pro suo consilio et auxilio*, of the Mill of Dalnacannie, in Jedburgh, in the barony of Glencairn, in the Shire of Dumfriess, which charter is without date, but the witnesses, who are all very well known, give us a very near view of the time. The witnesses being thus inserted in the charter, Sir John Stewart, father, Laird of Dalswinton, Sir Walter Stewart, Sir John Stewart, Sir Alan Stewart, his sons. It is agreed by historians, that this John Stewart of Dalswinton lived in the reign of David Bruce, and that he was taken prisoner with him at the battle of Durham, in the year 1346, and that the foresaid Walters, only daughter and heir was, in the year 1396, married to John Stewart, son to Sir William Stewart, sheriff of Tweed-dale, descended of the House of Darnley." Nisbet's Appendix, Vol. II. p. 97, &c. But if these arguments drawn from the age of Sir John Stewart, of Dalswinton, be thought not sufficiently conclusive to prove the age of his contemporary, Sir John Stewart, of Darnley, there are other proofs which appear still more decisive. Sir John Stewart of Darnley, in a passage already quoted from Rymer's Fœdera, is mentioned in the year 1340, and represented in a charter of 1342, and 1344, as having succeeded to the estate of his ancestors. In the year 1354, his son was given as one of the hostages for the ransom of King David Bruce, *de Fitz et Heir, Monsieus Johan Steward de Darnley*. Rymer's Fœdera, Vol. V. p. 793. In the year 1356, Robert Stewart, of Scotland, granted a charter to his cousin, *dilecto consanguineo suo Domino Johanni Senescalli de Cruckston*, militi, and the heirs male of his body, with remainder to his brothers, Walter and Alexander, successively; this deed, dated at Rothsay, is in the possession of the Duke of Montrose. As the designation of *de Cruckston* was generally used by the heir apparent of the family, during the life of the proprietor of Darnley, it is natural to conclude, that Sir John Stewart, of Darnley, the son of Sir Alan, was at this period alive, otherwise the title of *de Darnley* would have been given to the person mentioned in this deed, instead of the designation *de Cruckston*. In the year 1357, Sir John Stewart, the son of Sir John Stewart, of Darnley, was delivered as one of the hostages for the ransom of King David, "*Johan Fitz, and Heir Signeur Johan Steward de Darnley*, livré à Monsieur Richard Tempest." Rymer's Fœdera,

Fœdera, Vol. VI. p. 35. Sir John Stewart of Darnley died soon after this transaction, and his son, Sir John Stewart, of *Cruikston*, succeeded to his estate and honours: this is evident from a passage in Rymer's Fœdera, Vol. VI. p. 48, where Robert, the son of Sir John Stewart, of Darnley, is named as one of the hostages for King David Bruce's ransom. "Robert Fitz and Heir, Monsieur Johan Steward de Darnley," that this change of hostages was occasioned by the death of the father of the former hostage, is apparent; his father, Sir John Stewart, of Darnley, dying in the course of that year, he succeeded to the estates and honours of Darnley, and on substituting his infant son, Robert, in his stead, was permitted to withdraw from England to take possession of the extensive inheritance that had devolved on him. That this appears the most consistent mode of accounting for the change in the names of the hostages, given by the family of Darnley, in the year 1357, for the ransom of their king, is demonstrated by another passage in Rymer's Fœdera. In the year 1358, Sir John Stewart, of Darnley, had letters of safe conduct, while obliged to traverse some part of England on an expedition to the continent, attended by a considerable military train, "Johannes Steward de Darnley Chivaler ad partes transmarinas progrediens, cum sexaginta equitibus et Pedibus." Rymer, Vol. VI. p. 108. It does not seem probable, that the son of Sir Alan Stewart should have undertaken such an expedition in the year 1358; such an enterprize does not seem consistent with his age. Sir Alan appears, from the transactions that have been mentioned, to have been of a considerable age, and his son, Sir John Stewart, to have been born before the beginning of the 14th century; Sir John Stewart seems therefore much more likely to have had a son who made a tour on the continent, in the year 1358, than that he should himself have commenced his travels at so advanced a period of life. In fact, as far as the authority of the Fœdera may be relied upon, it seems clearly proved, that there were two successive proprietors of Darnley, who bore the name of John Stewart. The former is designed Seigneur Johan Steward de Darnley, Vol. VI. p. 35, and the latter is distinguished by the description of Monsieur Johan Steward de Darnley, Vol. VI. p. 48; nor is the opinion singular that asserts the existence of two Sir John Stewarts, of Darnley, about the middle of the fourteenth century. In the second part of the memorial, relative to the pedigree of the Stewarts of Castlemilk, p. 15, it is contended, "That Sir John Stewart, of Darnley, the son of Sir Alan, fell at the battle of Durham, 1346, and that he was succeeded in the Darnley estate, by his eldest son, Sir John Stewart, of Darnley, who had two younger brothers, Walter and Alexander," &c. Whatever error there may be in the account of the former John Stewart's fall, at the battle of Durham (which certainly can be supported by no authority worthy of attention) the existence of another John Stewart, the son of the former, seems founded on the most unexceptionable evidence. The House of Stewart is confessedly more indebted to the superior discernment and luminous investigations of Mr. A. Stewart, than to all the historians who have preceded,

preceded him in illustrating the annals of the family. Possessed of penetration to discover, and talents to embellish, every thing that may throw lustre round the actions of his ancestors, he has left no source of information unexamined, and no authenticated narration unillustrated or unimproved, while the ignorance or indolence of less skilful antiquaries had suffered the genealogical tree to luxuriate into a misshapen and an unnatural form; his taste and ingenuity have lopped off the redundant, or reduced to order the irregular branches, and given each ramification of the Stewart name, a distinct and elegant appearance. In his Genealogical deduction of the Darnley line, he has marked with his usual accuracy and precision, the place allotted the two Sir John Stewarts, and thus irrefragably proved their existence. "As the same John Stewart, who was designed of Darnley, in 1357, had been designed of Cruckiston, in 1356, it is presumable, that John Stewart, of Darnley, the witness to the deed, 1342 above-mentioned, was the immediate son to Alan Stewart, killed at Hallidown-hill, in 1333, and that John Stewart, of Cruckiston, mentioned in the charter 1356, was the grandson, who, during his father's life, was designed of Cruckiston, and that his father having died between 1356, and 1357, he then became John Stewart, of Darnley, in 1357. This agrees better in point of chronology, for the same John Stewart, mentioned in the treaty, 1357, received a charter in 1361, and lived probably several years after that time; therefore, it is more consistent to suppose, that in the period, from Alan's death, in 1333, to the year 1361, there were two generations, instead of supposing it to be the same John Stewart, who succeeded in 1333, and received the charter, 1361." * Abstract of the Genealogical Tree of the Stewarts of Darnley, p. 2. In opposition to these arguments, in opposition to the preceding proofs, what is there stated in the observations that have been alluded to? The bare assertion of the contrary fact, "the fact is, that Sir Alan Stewart never had a son of the name of Robert, and that his only son, Sir John Stewart of Darnley, never at any period was designed of Jedworth." To proceed to the next generation, it is supposed that there was a second Sir John Stewart, of Darnley, who was grandson to Sir Alan Stewart, and that this second Sir John Stewart had, for his two brothers, Walter and Alexander Stewart; but the fact is, that there was no Sir John Stewart, grandson of Sir Alan, who ever came to the possession of the estate, but that Walter and Alexander were brothers of the first Sir John Stewart, who was the immediate son of Sir Alan Stewart." Observations on the papers drawn up on behalf of the Earl of Galloway, p. 5.

It is candidly admitted, that if an assertion unsupported by proofs, could in an enquiry of the present nature be accepted as competent evidence; *that*, from whence the passage in question has been extracted, would be considered as intitled to the greatest attention. Information cannot flow from a more venerated or a more uncorrupted source; but it is not
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* Written by Andrew Stewart, in 1789.

enough that the source should be known; the nature and quality of the stream should be examined before it can appear justifiable to confide in it in important cases; hence the testimony of a more questionable evidence would be preferable, when corroborated by every necessary proof, to the most unexceptionable authority, unconfirmed by proper attestations, and unfurnished by circumstantial documents, but should the assertions on both sides appear to be derived from equal authority, or were it possible, should they haply flow from the *same source*, superior credit will naturally be given to the affirmations which seem to be illustrated by the clearest evidence.

The objection raised against the next article in the genealogical table is of a different tendency. In the former animadversion, it was suggested that two names had been inserted instead of one, but to remedy this oversight and confine the genealogical chain to its proper extent, two names, it appears, have been contracted into one. Such, at least, is the observation on this part of the table. It is a matter of little importance, however, whether there were two Sir Alexander Stewarts of Darnley, or whether there existed only one of that name; but, as much depends on the accuracy and attention with which investigations into the history and origin of families are conducted, it is of some consequence to shew that the account given of the House of Darnley, at this period, is the result of careful examination and diligent inquiry, and that it is founded on as unexceptionable evidence as accounts of this nature generally are. In the grant conferred on Sir John Stewart, of Crookston, in the year 1356, there is a remainder reserved in case of his death without issue, in favour of his brothers, Walter and Alexander Stewart. When Sir John Stewart succeeded (apparently on the death of his father) to the estate of Darnley, the former grant was renewed to him; for in the year 1361, a similar charter is executed in his favour under the designation of Sir John Stewart, of Darnley, and the same lands are provisionally entailed on his brothers * Walter and Alexander. In the chartulary of Paisley, Sir Alexander Stewart, of Cruickston, is witness to a charter supposed to have been dated about the year 1367. The charter, according to the too general practice of that period, is without a date, but Father Hay, in his manuscript on genealogical subjects preserved in the Advocates' Library, has endeavoured to fix the date about the year above-mentioned. It is probable, however, that it ought to have been dated some time before the year 1369. For, as Sir John Stewart, of Darnley, was evidently dead before that year, and as Sir Alexander seems in consequence of his death, and the death of his brother Walter, without issue to have succeeded to the Darnley estate, the succession must have taken place prior to the year 1369. The evidence of Sir John Stewart's death, previous to the year 1369 is very direct; Symson, in his manuscript preserved

* To obviate an apparent difficulty, it may be observed, that both Sir John Stewarts had probably brothers of the names of Walter and Alexander; but to distinguish them, it must be recollected, that the eldest son of the first Sir John Stewart, was *John*, and the name of the eldest son of the second, was *Robert*.

preserved in the British Museum, No. 4707 Harl. MS. has the following passage translated from the chartulary of Melrose, "1269, June 16th, at Paisley, Robert Stewart, of Scotland, Earl of Strathern, testified that the *deceased* Sir John Stewart, of Torbolton, had made homage for his lands holden of the said Earl, and that he offered to do the like for the patronage right of the church of Torbolton, but William Abbot, of Melrose, as having undoubted title from Robert Greeme, Lord of Wellton, was recognized in name of himself and the convent, as true patrons by the collation of said Robert Greeme." In Rymer's *Fœdera*, Vol. VII. p. 45, mention is made of an Alexander Stewart, but whether this was the proprietor of the Darnley estate, it is difficult to ascertain; the description given of him is "*Dilectus consanguineus Regis Alexander Stewart Miles*; and the date appears to be 1374. It should have been previously mentioned, that in an inventory of the charters of Scotland, preserved among the Harleian manuscripts, an entry is made of "A grant by King David II. to Alexander Stewart, of an annual fourth of the barony of Cambusnethan, in vicecomitatu de Lanark," Harl. MS. No. 4620, &c. There is a decret extant of the baron court of Cambusnethan, by Sir Alexander Stewart, of Darnley, dated 1390, which is attested by Sir William, Alexander, and Robert Stewart, who appear to have been Sir Alexander's three sons; and among the public records, there is a charter extant, of the lands of Cambusnethan, dated 1391, in favour of Sir Thomas Somerville, and his spouse, Janet Stewart, daughter of Sir Alexander Stewart of Darnley. In the chartulary of Paisley, there is a charter dated 1397, attested by Sir Robert Stewart, who is described as the son of Sir Alexander Stewart, of Darnley; Sir Robert Stewart was the fourth son, and must have been of mature years at this period, consequently Sir Alexander must evidently have attained the age of maturity, about the year 1367, when he is first described in the chartulary of Paisley, as the proprietor of Crookston. In the year 1383, "King Robert II. made a grant of the barony of Bathgate, in favour of his cousin, John Stewart, of Crookston, thereafter of Darnley." Vide Ballincrieff papers. The majority of the eldest son, in the year 1383, would imply that the father, Sir Alexander Stewart, must have formed a matrimonial engagement about the year 1361, the year when he is mentioned in the entail of the lands of Darnley already cited. But, in the year 1356, there was another deed of entail of a similar nature, in which a remainder was reserved for him in case of the death of his elder brothers, John and Walter, without surviving issue. These circumstances, collectively considered, appear to form a continued uninterrupted history of Sir Alexander Stewart of Darnley, from the year 1356, to the year 1397; and if it be admitted that he had reached his twentieth year when he is first noticed in the deed of entail, dated 1356, and that he lived till the year 1404, when his son, Sir John Stewart, is first described as having succeeded to the estates of Darnley, his private history will be extended to a period of about seventy years; and to remove every doubt with regard to his identity, the grant of the

lands of Cambusnethan to him, by King David II. and his decree as superior Lord of that barony in the year 1390; and the attestation of three of his sons now arrived at the age of maturity scarce leave a possibility of the existence of an intermediate proprietor of the lands of Darnley during that interval. This might be further corroborated, by observations respecting the maturity of Sir William Stewart of Jedworth, who is first mentioned in a charter dated 1385; but as the principal object of the enquiry is, whether Sir William Stewart of Jedworth was Sir Alexander's second son, and as fair and impartial argument has been studiously attended to in the whole course of these genealogical disquisitions, it was thought more regular to waive the advantage of so obvious an evidence than to appear to prejudge the question under consideration. Upon reviewing the whole of the evidence, with regard to Sir Alexander Stewart, of Darnley, it will appear that the genealogical table has not been formed without the most scrupulous attention to every accessible record in which it was probable that any vestiges of the proprietors of the estates of Darnley could be discovered, and it is a satisfactory consideration, if there be an error in the part of the genealogical line alluded to, that it is an error sanctioned by the opinion of the best informed writer that has ever honoured this subject by his attention. Mr. A. Stuart, in his *Genealogical Tree of the Family of Darnley*, MS. p. 4. has the following passage, "There can be no doubt that Alexander Stewart, of Cruckiston, in 1367, and Alexander Stewart described of Darnley, in 1397, was one and the same person, for Cruckiston and Darnley both belonged to the same family;" and in the whole of his arguments, with regard to this personage, he is equally perspicuous and consistent. Sir Robert Douglas, in his *Peerage of Scotland*, has adopted a similar opinion with respect to this period of the history of the House of Darnley. Douglas, it is true, states on the authority of Rymer's *Fœdera*, that Sir Alexander Stewart, of Darnley, was taken prisoner at the battle of Durham, in the year 1345; but on examining the passage in the *Fœdera*, there appears no certain proof that the person mentioned on that occasion was of the family of Darnley, as the only designation given him is Sir Alexander Stewart, on the supposition that he was the same person who afterwards succeeded to the Darnley estate, it will be only necessary that his birth should be dated ten years earlier than the period generally fixed by genealogists, which would be attended, in all probability, with less historical inconveniences, than contending in opposition to so many authorities, that two Sir Alexander Stewarts successively possessed the estates of Darnley. Sir Alexander Stewart evidently had a son named Alexander, a circumstance which may possibly have given birth to the hypothesis, relative to the two Sir Alexander Stewarts; but the son of that name never succeeded to the family estate, as it appears from unquestionable authority, that he had two elder brothers, John and William, the former of whom carried on the line of the Stewarts of Darnley; admitting, however, that there were two successive proprietors of the Darnley estate, about the
conclusion

conclusion of the fourteenth century, who bore the same name, it can create no difference with regard to the general purport of the genealogical table, nor can it at all affect the principal subject under discussion ; as the Stewart line would be still continued in the same family, and the only question would be whether *two* paces or *one* were made use of in making the same progress, in the same path.

The chronological difficulties attending the imaginary maternal relation, in which Janet Keith is supposed to have stood to Sir John Stewart, the first Lord D'Aubigny, will not be removed by the supposition that there were two Sir Alexander Stewarts, who successively possessed the Darnley estate, on the contrary they will be considerably increased. For though, in consequence of a proof from a charter in the public archives, that her first husband was alive in the year 1378, it may be thought improbable, that she should have again married the same Sir Alexander Stewart, whose name had occurred in a charter, dated in 1357. The supposition of her marrying his successor in sufficient time to have a son of mature years in the year 1383, still wears the appearance of greater improbability. And yet Sir John Stewart, the first Lord D'Aubigny, is mentioned as of mature age in that year ; his brothers are represented in the same light in the following years, and in the year 1390, no less than three of his younger brothers are described as of a competent age to transact business of the most solemn and important nature. There are several reasons for concluding that Janet Keith bore Sir Alexander Stewart no children. His daughter married Sir Thomas Somerville in 1391. His son Sir Robert attests a charter, recorded in the chartulary of Paisley, 1397, and is described as the son of Sir Alexander Stewart, of Darnley. But Janet Keith appears to have been a widow in the year 1392, and to have married into the Darnley family subsequent to that period. In an inventory of Scots charters, preserved in the British Museum, No. 4609, there is an account of the " confirmation by Robert III. about the year 1392, of a charter, by Andrew Murray, of Bal-
" lingheigh, to Janet —, of the lands of South Adame ; the witnesses are, Sir John Hamil-
" ton of Cadzow, Sir Alexander Hamilton of Innerwick, William Hamilton, and An-
" drew Hamilton." From the Hamiltons of Cadzow who sign this charter, and from other circumstances, it can hardly be doubted that this was Janet Keith, widow of Sir David Hamilton, of Cadzow ; and as the grant is in her favour, without any mention of her husband, or of the Stewarts who attest her charters of 1406 and 1407, in conjunction with her son William and Andrew Hamilton, it seems evident, that her marriage with Alexander Stewart must have been subsequent to the year 1392, and that his children, now grown to years of maturity, must have been the offspring of a former marriage.

It is unnecessary, at present, to enter into a long discussion of the question who was Sir Alexander Stewart's first wife, it will be more expedient to assign the reasons for concluding, that Sir John Stewart, of Darnley, and Sir William Stewart, of Jedworth, were his
sons.

sons by the former marriage, and that they both fell before Orleans, in the year 1429, and to remove every difficulty ingeniously thrown in the way of the evidence attempted to be adduced in support of these facts.

It has already been stated in * a former paper, why it was thought physically impossible, that Janet Keith could bear any maternal relation to the family of Darnley, and why it was thought probable that they were descended of a daughter of the Turnbull family; at present, it will be sufficient to state the principal evidence necessary to prove that Sir John Stewart was Sir Alexander's eldest son.

Among the Ballincrieff papers there is a charter by King Robert II. dated 1383, in favour of John Stewart, of Crupton. Sir Alexander was now in possession of the Darnley Estate, and Crupton was the appanage generally allotted the eldest son; from these circumstances there can be little doubt, that Sir John Stewart was the eldest son, which is further confirmed by a charter, cited by Crawford, in his *Office of State*, p. 42, and dated 1404, in which Johannes Senescallus de Dernle, Miles, occurs as a witness. Sir Alexander Stewart must have died before that period, and his son, Sir John Stewart, have succeeded to the estate and honours of the family. In the year 1407, Sir John Stewart, of Darnley, attests a charter preserved among the public records, and granted by Janet Keith, who, in conformity to the courteous language frequently used in ancient charters of that period, *styles* him her *son*, by which she evidently means her step-son, or *son-in-law*. In the year 1421, Charles the Seventh of France gave Sir John Stewart the lands of Concreffault. And at a subsequent period, between that year, and the year 1429, he appears from most unquestionable evidence, to have received from the French monarch, numerous and extensive grants in that kingdom. His death before Orleans, on the 12th of February, 1429, is a fact well supported by the concurrent testimony of all historians, and by the evidence of ancient records of most established authority. Between the year 1383, when he is first mentioned, and the year 1429, when his death is supposed to have happened, there is an interval of forty-six years; and admitting that he had reached his twentieth year at the earlier of these epochs, it will follow that his death must have happened in his sixty-sixth year, an age perfectly consistent with the actions attributed to him, and the important trust on different occasions reposed in him.

As it is generally asserted by most authors, that Sir John Stewart had a brother named William Stewart, and as it is natural to conclude, that his brother must have been contemporary with him, the known date of the most remarkable events relative to Sir John Stewart, will serve as a proper criteria, by which to judge of the coincidence observed between his history, and that of the person thought to have been his brother. It is necessary to premise, that Sir John Stewart, of Bonkill, the ancestor of the Stewarts of Darnley, occasionally

* A paper presented to A. Stuart, Esq; in the year 1794, but not here inserted.

occasionally assumed the title of *de Jedworth*, and that several reasons have been assigned in these and some of the preceding papers, for supposing that Sir John Stewart, the father or grandfather of Sir Alexander Stewart, of Darnley, was designed of Jedworth, in the year 1323. After a due examination of these preliminary circumstances, the hypothesis, which would represent Sir William Stewart, of Jedworth, as the brother of Sir John Stewart, of Darnley, will appear less improbable, and less incredible. Sir William Stewart, of Jedworth, it should be recollected, is likewise first mentioned in the year 1385, within two years of the period, when the name of Sir John Stewart, of Darnley, is first recorded. And Sir William is described in a manner that affords every inducement to believe that he was in that year a very young man. The general manner of describing the sons of the family of Darnley in the fourteenth century, was to name the different members of the family, without any local designation. Sir William Stewart, of Jedworth, appears to have been usually designed in a similar manner in the *Fœdera* of Rymer, Vol. VII. and Vol. VIII. though his title of Jedworth was sometime used till he acquired some degree of celebrity, and till his fame was sufficiently established to enable him to dispense, without any danger of error, with the practice most commonly adopted of adding the names of his usual residence. There are several other corroborating circumstances, which seem fully to justify the supposition of Sir William Stewart's being the brother of Sir John Stewart, and the son of Sir Alexander Stewart, of Darnley.

The usual title given Sir William Stewart, in the *Fœdera*, is *de Jedworth*. In the contract of Sir Walter Stewart, of Dalswinton, relative to affiancing his son to the daughter of the latter, the title of the sheriff of Teviot-dale is given him. It is not certain, that this designation was usually given him, nor does it satisfactorily appear, that Sir William was described of Teviot-dale on any other occasion. When the passage in the *Scotichronicon* shall be maturely considered, it will possibly be more proper to enter into a detail of all the particulars respecting his history; but at present, it is sufficient to observe, that as the question is, whether the person bearing the name of William Stewart, who lived in the fourteenth century, was the same who is said to have been taken prisoner at the battle of Homildon; (if it be at all true, that a person of that name was made a prisoner at that battle;) and whether the title of *de Foresta* appears to have been ever given to Sir William Stewart, of Jedworth? But, in the present state of the enquiry, it seems premature to prejudice the question, by assuming it as an absolute fact, (as in the observations on Lord Galloway's papers, p. 7.) that Sir William Stewart, of Jedworth, was the person designed *de Foresta*. In the course of the arguments adduced to prove that the proprietor of the lands of Jedworth, in the year 1390, was the son of Sir Alexander Stewart of Darnley, and the brother of Sir John Stewart, the first Lord D'Aubigny, the fact appears to be so well established, that every circumstance seems supported by unquestionable evidence; but

to obviate every objection, the usual mode of conducting a fair and free discussion, shall be as much as possible adhered to, without representing conjectures as unobjectionable proofs, or assuming the subject of the question under consideration, as a thing absolutely proved.

Before the facts which are thought favourable to the supposition of Sir William Stewart's descent from the family of Darnley, can be placed in a conspicuous point of view, it will be necessary to enquire whether partial or ill-founded accounts may not have given a different representation of the whole transaction; and if these accounts should appear to be composed of false or mis-placed materials, to state the source whence the errors originated, that what may be well-founded, may be placed in its proper light, and what seems to be erroneous, may be prevented from obscuring correcter and more unobjectionable statements.

It would be difficult to trace the origin of any family, were the accounts of all historians, who may have occasionally descanted on the actions of their ancestors, to be regarded as unquestionable evidence: for there are few persons of any eminence whose conduct has not been mis-stated through partiality or prejudice, or whose fate has not been misrepresented through negligence or ignorance. Where ancient charters, or other authentic deeds, can be consulted, instances frequently occur when the narrations of the most accurate authors may be corrected, respecting their description of the character and conduct of private individuals; and where no recourse can be had to original charters, it may be proper (should the narration appear improbable, or inconsistent with the account given by other credible writers,) to examine minutely into the character of the author, the probability of the story, and its consistency with the representations of the most impartial historians.

The account given of the imprisonment and execution of Sir William Stewart, de Foresta, in the year 1402, appears improbable, because the violence of the language in which this circumstance is narrated, betrays more prejudice than regard to truth, because it is absurd in itself, and very uncertain in its application, and because it is totally inconsistent with the accounts extracted from the most authentic ancient records.

If it be of any importance to fix precisely the period of Sir William Stewart, of Jedworth's death, it is necessary to enquire into every account that has been given of it, to distinguish what may be fabulous from what may be historically correct, and what may be probable from what may be inconsistent and absurd. The laws of history, and the usage, with regard to ancient authors, do not require that implicit confidence should be placed in every account that occurs in old chronicles. Negligence often rendered them erroneous in their account of private individuals, and national prejudice often partial in their representations of the actions of hostile chiefs. Experience demonstrates, in many cases, the errors of authors, who have professedly written the annals of private families; the inaccuracies of
national

chronicles relative to the personal histories of individuals are still found to be more numerous and more inconsistent ; as the object of the present enquiry is not the support of any particular system, but the discovery and defence of what may appear to be most consistent with truth, it seemed requisite to examine a little into the credit and character of the evidence, before its testimony be implicitly believed.

No objection should have been made to the account of the death of Sir William Stewart, in the year 1402, had it worn the least appearance of probability. But as the whole account seems involved in much obscurity, and attended with much inconsistency, it cannot be thought irregular to enquire into the character of the narrator, before the narration be fully credited. Fordun, the author of the *Scotichronicon*, has never been thought devoid of faults. His continuator, Bowmaker, from whom the singular account given of the fate of Sir William Stewart has been extracted, has still less pretensions to perfection and infallibility. The account given by the former of the origin and actions of the ancient kings of Scotland, their descent from Noah, their extraordinary exploits when the northern parts of Europe were as yet hardly inhabited, and the arrival of Scots, the daughter of Pharaoh, king of Egypt, attended by a numerous train of followers to found a kingdom in Scotland, the numerous tales told by the latter of the English, in their conferences with the Scots, and of the Welch, in their attempts to recover their liberty ; the inattention of both to probability, order, and chronological accuracy, may entitle them to be considered as amusing writers for the age in which they wrote, but give them no claim to that fame for veracity and impartiality which is necessary to form the historical character. Innumerable errors have been pointed out in both of them, by their most passionate admirers. Symson, the historiographer for Scotland, often speaks in terms of the greatest veneration for the author of the *Scotichronicon*, and yet in his history of the family of Stewart, p. 55, he notices the error into which he had fallen, in asserting that Alexander, Lord High Stewart of Scotland had fallen in a battle fought in the year 1263, against Haco, king of Norway. " The Continuator of Fordun's Chronicle affirms Alexander, Lord Stewart, of Scotland, " was killed in the above battle, but the contrary is evident by several subsequent particulars." Lord Hailes, in his annals of Scotland, observes that, " it is said in *Fordun* most " absurdly, that James, John, and Alan, (killed at the battle of Halidown-hill, 1333) " were brothers of Robert, the Stewart of Scotland." The High Stewards of Scotland were the immediate ancestors of the royal line of Stewarts ; Robert the high Stewart afterwards acceded to the throne, under the name of king Robert II. Not to know the history of that part of the royal line that was contemporary with him, betrays an extraordinary degree of negligence and ignorance in a professed writer of the annals of his country. And if he be thus erroneous in matters that respected the genealogy of the royal line, at a juncture so near

his own age, what confidence can be placed in his account of transactions that respected a private family.

It has been frequently observed, * that it was a common practice with the monkish historians, to represent their adversaries as guilty of imaginary acts of cruelty, in order to vilify their character. The authors of the Irish Chronicle, attribute to Strongbow the horrid act of putting his own son to death with his own hands, though it is evident from their own annals, that his son was alive many years after the date of the supposed fact, (Leland's History of Ireland, Vol. I. p. 75, 8vo.) and the Scotichronicon, and other Scots historians, accuse king Edward of the murder of the old Earl of Menteith, though it is evident, as is justly remarked by Lord Hailes, (Annals of Scotland, Vol. I. p. 350, 4to. edit.) that he was alive twenty years after that period. "Our late historians" (observes that excellent author in another place) "unanimously assert, that after the surrender of Dunbar, Edward I. put the Earl of Menteith to death. I once believed, what I now must number among the legends of Scotland. It derives its origin from a passage in Fordun, loosely expressed, and which has been misapprehended by inattentive readers." Dalrymple's Annals of Scotland, Vol. I. p. 344, 8vo. edit. The same author gives several instances of a similar nature, from the Scotichronicon and other historians, of acts of cruelty, falsely attributed to hostile chieftains by the Scottish writers. "Boece, and his imitator Buchanan, improve on the simple narrative of Fordun, and relate that Edward hanged not only the hostage, but also another son of Alexander Seton, who was a prisoner of war. This seems to have been added to heighten the horrors of the narrative; and it is not improbable, that Boece, much conversant in antiquity, might have held it lawful, in certain circumstances, to kill an hostage; and therefore, that, to make the character of Edward completely detestable, he represented him as a violator of the law of nations, by murdering a prisoner." Dalrymple's Annals of Scotland, *ibid.* p. 312.

"Boece introduced into this story, an Earl of Montrose, who never existed; and not satisfied with killing all the prisoners, has put them to death by exquisite tortures." Annals of Scotland, 8vo. edit. Vol. III. p. 43.

Fordun represents the Earl of Sutherland as having been among the prisoners, which Lord Hailes proves to be erroneous. Vol. II. p. 325.

Fordun asserts, that king Edward III. after the battle of Halidown-hill, ordered all the prisoners to be put to death, but Sir David Dalrymple doubts the fact, and asserts, that Fordun has not mentioned any person who suffered.

"The events which have been supposed applicable to three Alexander Setons, will be found to have relation to one and the same person." Annals of Scotland, Vol. III. p. 83, 8vo. edit.

Innumerable

* See p. 80 of the preceding sheets.

Innumerable other instances might be given of the erroneous accounts that occur in Fordun and his continuator, and of the imaginary acts of cruelty falsely attributed by them to hostile commanders. But it is apprehended that this is sufficient to shew what credit is due to the extravagant story of Percy's supposed cruelty towards a Sir William Stewart de Forestâ, who perhaps never existed, but who certainly is not mentioned by that title by any other author.

The transaction is mentioned in no other Author of any credit in either kingdom. For Winton's Chronicle can hardly be regarded as another author. It is a mere rhyming version of the subject of the Scotichronicon. The passage in question must be considered as a mere attempt, at putting into rhyme the detail delivered by Fordun's Continuator, or of converting into prose the poetic tales of Winton, and has scarce a difference, except the introduction of a prophecy, by way of a political embellishment to what seemed already more marvellous than probable, and a greater proof of the ingenuity, than of the industry, and impartiality of the writer. An appeal to Winton, then, in support of a fact mentioned by Bowmaker, resembles, in some measure, the giving a citation from Phœdrus, in corroboration of the truth of a fable related by Esop. Many instances might be given, where Winton appears to have versified with a considerable degree of attention, the reports circulated by Fordun's commentator, or where the latter converts into prose the work of the former. To give an instance of this, the two books were fortuitously opened, and the commencement of the first chapter that presented itself compared. The words of Bowmaker, are, "Anno Domini millesimo, 4mo. primo obiit columpna valens robustissima, vas eloquii
" et Thesaurus, Sanctæ ac defensor ecclesiæ Dominus Walter Treil, episcopus Sancti
" Andreæ," &c. Fordun's Scotichronicon Cot. MS. British Museum, 13. Ex. The parallel passage in Winton's Chronicle is thus expressed:

A thousand four hundred years and ane

Fra that Christ had manheid tane

The Bishop of St. Andrew's Se,

A Lord commendyt of bounty, &c. Cot. MSS. 17. D. xx.

The remainder of his catalogue of the Bishop's good qualities, appears to be an exact translation of the Latin Chronicle. In every other passage where the corresponding versions were examined, internal proofs of the good intelligence subsisting between the two authors, seemed unquestionable on every occasion. Nor was the era, in which they are supposed to have flourished, incompatible with this supposition. Fordun's continuator is said to have been born in the year 1385, and to have died about the year 1449. Winton, the author of the Rhyming Chronicle, mentions the council of Constance, and seems to suggest that his book was composed subsequent to the close of that synod. The council of Constance is generally fixed about the year 1418 or 1422. At that period, Bowmaker must evidently have bordered on his fortieth year, and in all probability must have completed the greatest

part of his historical labours. Copies of the *Scotichronicon* were obtained by most of the religious houses in Scotland, and some of them are still extant. Winton, from his ecclesiastical connections, could want no opportunities of getting access to them, and from the general complexion of his studies, could want no inclination to consult them. It is not probable, therefore, that a work so celebrated should remain unknown to, or unexamined by the author of the *Rhythmical Chronicle*. And the passages that appear to have been translated, or imitated, are too numerous to admit a doubt of his having profited by the labours of his contemporary. But even allowing that Bowmaker's continuation of Fordun was written posterior to Winton's *Chronicle*, proofs of the description of the battle of Homildon's being the same in both authors, would still remain in full force. For whether Winton copied from Bowmaker, or Bowmaker from Winton, the identity of the description would still remain unaffected. Which was the original is a question of little moment; that either of them must have been a copy of the other, an attentive examination of both will remove every shadow of doubt. Sir David Dalrymple (*Annals of Scotland*, Vol. III. p. 263, 8vo. edit.) observes that "Bowmaker (the continuator of Fordun) frequently copies the *Metrical Chronicle* of Andrew Winton," and citing from the *Scotichronicon* a passage relative to the Earl of Douglas, &c. in order to give it a title to credibility, intimates that it is not copied from Winton.

The Provincial minstrels had early introduced the practice of versifying the annals of their country; and celebrating, in rhyme, the exploits of their favourite chieftains. In the days of chivalry, every rencounter proved a poetical subject, and every festive meeting an incentive to the Troubadour's talents. In these rhythmical effusions, it could not be expected, that close attention should be paid to plain uninteresting matter of fact. The most common events were embellished, and the colouring of the most extraordinary occurrences, heightened by the skill of the artist. The connection subsisting between France and Scotland, introduced this custom into the latter kingdom at a very early period. The martial achievements of Sir William Wallace are well known, and from the records of the country, the truth of his history may still be ascertained, and the fabulous additions of rhythmical biographers still detected. On comparing the known story of this celebrated hero, with the marvellous tales told of him, by his poetical countrymen, an idea may be formed of the liberty generally taken with historical truths on these occasions. The spirit, the energy, and expressive language, which every where characterizes the biographer of Wallace, render his book an extraordinary production for the age in which he lived. But the many deviations from historical truth discovered in it, evince that it was written to amuse rather than to instruct, and that embellishment was more attended to than veracity. Sir David Dalrymple observes of this author, that he makes Sir John Menteith betray Wallace, so, indeed, (adds he) it is said by blind Harry, whom every historian copies, yet, whom no historian but Sir Robert Sibbald, will venture to quote." *Annals of Scotland*, p. 280.

"The

The rhapsodies of Blind Harry, the author of Wallace's Poetical History, are hardly more inconsistent with truth than the Rhyming Chronicle of Winton. That the latter contains several historical facts, may be admitted, but they are so blended with fictitious or unchronological incidents, that they are only to be believed when they are supported by the testimony of authentic records. The method adopted by the authors of these Poetical Chronicles, is expressly described by a critic in this branch of ancient literature. "The compiler confounds chronology, and ascribes to his hero many pieces of true history belonging to others. This was a common practice in these books." Warton's History of English Poetry, Vol. I. p. 334. A Scots historian of considerable credit, well versed in the antiquities of his country, seems to entertain a similar opinion of the degree of credibility attached to these romances. "Ego autem talibus scriptis solum *in parte* fidem impertior, quippe qui historiarum recitatione coram principibus victum et vestitum; quo dignus erat, nactus est." Major, lib. iv. cap. xv. On examining the works of Winton, innumerable instances will be discovered of wanton deviations from the truth of history. Nothing, for example, can be better supported by authentic evidence, than the convention holden at Hawdenstank, in October 1398, and the different affairs that were canvassed on that occasion. The complaint made by the governor of Roxburgh, against the Earl of Douglas, and Sir William Stewart, of Jedworth, for having attacked the town of Roxburgh, and for having destroyed a quantity of foulder to the amount of two thousand pounds value. The able defence made by Sir William Stewart, who happened to be present, and the final reference of the business to the principal commissioners. Vide Rymer's Fœdera, Vol. VIII. p. 57, 58. The whole of this transaction seems to be very differently represented by Winton. The convention he fixes in the year 1397, the complaint is made, not by Sir Philip Stanley, but by Henry Percy. And the offence is not attacking a town under his jurisdiction pending a truce, but committing a trespass in Jedworth, by allowing his cattle to pasture in some plats of ground, which Percy claimed as his property;

Bot ye Percy grevit was

Yat ye Earle Archibald of Douglas,

Had tane in Jedworth his herbys, &c.

The complaint is laid before the Earl of Carrick, who is made to defend the Earl of Douglas as having been guilty of no offence, the property of the ground being vested in the king of Scotland, and then he is represented as adding in terms worthy of the complaint;

Of Carrick the Earl made answer round,

He would not for a thousand pound,

Bid ye Earle of Douglas,

Out of his Innys of Jedworth pass, &c.

Winton's Chronicle, Brit. Mus. Cot. MS. 17. d. xx. and Nero, D. xi.

There

There would be no difficulty in giving many similar instances of the liberty taken with historical fact, by the author of this chronicle. But this specimen of his veracity will be sufficient to shew what degree of credit may be due to him as an historian, whatever attention he may merit as a poet.

Independent of the doubtful credit of the authority on which the transaction is founded, it appears in itself so improbable, that the countenance of the most respectable evidence would be hardly sufficient to render it credible. The brave and generous disposition of young Percy could scarcely admit of his deliberately committing so base and dishonourable an action. The treatment he had himself experienced when taken prisoner at the battle of Otterburn, would at least render him averse from so barbarous and sanguinary an act. The opulence of Sir William Stewart might sooner be supposed to excite the avidity of his captor, than his acknowledged bravery provoke an ignoble indulgence of vengeful malice. Sir John Montgomery, when he found young Percy his prisoner, availed himself of his captive's riches, and obliged him, by way of ransom, to rebuild his castle of Dunoon. It is probable, that Percy, when liberated, would embrace the first opportunity of reimbursing himself, and would condemn the first opulent Scots chieftain he should get into his power, to do him an equivalent service, than that he should, by a cowardly action, at once injure his reputation, and disappoint his hopes of compensation. A Scottish chieftain, during the pursuit after one of the battles, on the borders, perceiving the glittering armour of an English knight, pursued and took him, and then liberated him on receiving a verbal promise of a considerable sum for his ransom; such promises were frequent, and were generally fulfilled with honour. These transactions shew, that the state of manners on the borders, were not so barbarous as Fordun or his Continuator would represent. Vide Ridpath's History of the Borders, p. 358. But there is another circumstance which appears decisively to prove the absurdity of this story. Sir William Stewart, of Jedworth, lived long under the patronage, and enjoyed the friendship of the Earl of Douglas. His attending him to the assault of Roxburgh, and his defence of him at the convention of Hawdenstank, have been already noticed. The grant of the lands and castle of Abercorn, which he received from Lord Douglas, mentioned in one of the Harl. MS. No. 4609, may be regarded as another instance to the same effect. Additional proofs of a similar tendency might be adduced from other authorities. After the person who thus appears to have been the friend and faithful ally of the Earl of Douglas had been massacred in cold blood, by Henry Percy, and his limbs hung up in derision, is it not probable, that the Earl of Douglas would have resented the insult offered him? Had the story been true, from the prompt disposition of the Earl of Douglas, should we not have heard of his retaliating on some of Percy's retainers? But so far is this from being the case, that within a short period of the time, when Percy is said to have tarnished his fame by so ignoble an action, the Earl of Douglas entered into the closest

closest alliance with him, marched with him to the battle of Shrewsbury, and made a common cause with him against the overbearing encroachments of Henry IV. This single circumstance, had there been no other evidence of its absurdity, would have been sufficient to destroy the credit of the whole story, and to prove it to have been the offspring of national prejudice, and the fabrication of some vengeful monk of the fifteenth century.

The inconsistency of this story is equal to its improbability. The laws prevalent on the border are well known. They have been often collected and often published. There is a correct edition of them, by Nicholson, the learned bishop of Carlisle. It appears totally inconsistent with those laws to condemn to death a commander of either party, carrying on open and honourable war, and taken in fair and regular action. It appears contrary to the general practice of both countries to inflict so severe a punishment on rival chiefs taken prisoners by the fortune of war. It is inconsistent with the civilized state of the two kingdoms at the period in question, and with the character and conduct of the commander to whom so ungenerous an action is attributed. Several actions had happened between the troops of the two kingdoms, since the pretended defection of the inhabitants of Teviot-dale, and no such signal vengeance had been taken, on any of the vanquished combatants. The sanguinary action imputed to young Percy, is likewise inconsistent with the opinion of the most informed writers. Hume, in his History of England, hath the following observation on this subject. "A late author of great industry and learning, but full of prejudices and of no penetration, Mr. Carte, has taken advantage of the undefined terms of the Scots homage, has pretended that it was done for Lothian and Galloway, that is, all the territories of the country, now called Scotland, lying south of the Clyde and of Forth. Such large territories also, would have supplied a considerable part of the English armies, which never would have escaped all the English historians. Not to mention that there is not any instance of a Scots prisoner of war being tried as a rebel, in the many hostilities between the kingdoms, where the Scots were chiefly filled from the southern countries." Hume's History of England, Vol. II. p. 74, 4to. London, 1762. It is observable, that Hume had read the Scotch chronicon, for it is often quoted in his works, where he has reason to think the account given in it credible and consistent. But the passage in Fordun, or his continuator, relative to the supposed trial of Sir William Stewart, he must have totally discredited, or he could not have asserted that there was no instance on record, of a Scots prisoner of war being tried as a rebel. In fact, the story is not only inconsistent with the accounts given by other historians, but with the representation of the conduct of the commanders of both kingdoms, made by the writers themselves, who relate this singular transaction. Both Fordun and Winton, frequently mention the exchange and ransom of prisoners, and the ratification and observance of treaties, as consistent with the constant custom

custom of the Scots and English nation at the period in question. Nor is there an instance of the glory of either kingdom being sullied by so foul and treacherous an action as the deliberate and unprovoked murder of their prisoners. In Winton, the story is begun with an instance of inconsistency, that would nearly destroy the credit of any other writer, for in one couplet he describes Sir William Stewart as a knight, and in the next he intimates that he was only an Esquire.

Schyr William Stewart, of Tivy-daile
That day was tain in that battail,
And ain *uther* gude *squyeir*,
That be name was called Thomas Ker.

Winton's Chronicle.

The implication that Sir William Stewart was of the same rank with the *other* esquire mentioned in the third line, is evident, which is not only contrary to what is well ascertained of the proprietor of Jedworth at that juncture, but in direct opposition to the author's own designation of him in the preceding couplet. To such inconsistent tales, little credit would have been due, had they been opposed by no records of any authority, but when they were directly opposed by the annals, and by the ancient charters of both kingdoms, such stories deserve no further attention than what the fertile invention of the writers of romance may be supposed to merit.

Ridpath, in his history of the Borders, gives the following account of an incursion on the English territories, in which Sir William Stewart was engaged, a little prior to the battle of Homildon. "The truce between Robert III. of Scotland, and the late king Richard expired just at the time that Henry IV. mounted the English throne, 1399. The Scots, freed from this restraint, took the castle of Wark, they also committed great inroads in several other places of the country. While they were carrying on this work in Coquetdale, they were attacked by Sir Robert Umfranville, the chief Lord of that district, at a place called Fulhoplow, in which conflict Sir Richard Rutherford and his five sons were taken prisoners, also Sir William Stewart, John Turnbull, surnamed *Out with the Subrd*, and many others." Ridpath's Border History, p. 367. And to oppose the authority of another Rhyming Chronicle to that said to be written by Winton, it is remarkable, that Harding, whose chronicle is at least as consistent with historical truth as that of any of his contemporaries, expressly corroborates the account given by Ridpath.

And whyles that parliament so did endure,
The Scottes rode by North, and so had stroyed
In Cokedale then, where Umfreville had cure
That with them faught, and had them fore annoyed,
At Fulhoplowe, on fote he them acloyed,

For

For there he toke Sir Richard Rotherford,
His sonnes five, ful fel of dede and word;
Syre William Stewarde, also he tuk,
The Lord of Gordon he pot to flight.
And * Willibard the felde there then forfoke
And prisners brought home, welmo at night,
Then he had men with him, the felde to fight,
For which the Kyng him had ay after in cherté,
Considering well his knightly apperté.

Harding's Chronicle, fo. 198, and Chap. 198.

It is not desired that any great credit should be given to this chronicle, further than his account appears to be confirmed by the testimony of the ancient records, and by the evidence of authentic charters: It is admitted that these historical romances sometimes contain truths not unworthy of the greatest historian, yet they likewise are frequently guilty of extraordinary violations of the laws of history, and little credit can be due to them where some ancient records do not fully confirm the facts they attempt to embellish. The circumstances attending the inroad made by the Scots into Cokedale, and the check they received from Robert Umfreville about the year 1400, are supported by more unexceptionable evidence than it is often possible to adduce, to illustrate the transactions of so remote a period. It appears from the testimony of Rymer's *Fœdera*, that Henry IV. on receiving intelligence of the capture of the Scots chieftains, issued peremptory orders that none of the prisoners should be ransomed or released, upon any pretence whatever. A copy of the letter addressed to the Earl of Northumberland, signed by the King, at Westminster, October the 30th, 1400, is inserted in Rymer, Vol. VIII. p. 162. "*Rex Carissimis* "*Consanguineis suis Henico Comiti Northumbriæ et Henrico Percy le Filz, &c. Vobis* "*mandamus quod, Capitaneis et aliis qui Ricardum Rotherford Militem et filios ejus, ac* "*Johannem Tournebull, Out wyth the Swurd, et alios Capitaneos et ductores hominum* "*ad arma de Scotia, nuper de guerra ceperunt, &c."* Though Sir William Stewart is not named in the mandate, yet, as Sir Richard Rutherford and John Turnbull, who attended Sir William on this expedition, are particularly mentioned, and as an allusion is made to other commanders who were taken prisoners on the same occasion, no doubt can be entertained of his having shared the same fate. Another proof of the veracity of the account of Sir William Stewart's captivity, arises from the following circumstance. He was so eminent a man, and acted so conspicuous a part, that vestiges of him may be discovered in all the public transactions of the times. From the year 1390, when he first began to act in an official capacity, to the year 1400, when he was taken prisoner by Sir Robert Umfraville,

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* Rymer's *Fœdera*, Vol. VIII. p. 55.

ville, his name frequently occurs in several of the royal and private charters, and during that interval few state papers appear, in which he is not mentioned either as a military or negotiatory character. The total silence that prevails with respect to him from the beginning of the fifteenth century, can only be satisfactorily accounted for, by the evidence adduced to prove his captivity in the year 1400; had he been liberated after the battle of Fulhoplaw, his name would have occurred in some of the charters or public acts of the time, before the year 1402, the memorable era of the battle of Hornildon. But as no vestiges of him appear for some time, subsequent to the year 1400, it may be esteemed a sufficient proof of his imprisonment on the occasion, that has been mentioned. It appears from the records, published by Rymer, that the prisoners taken at Fulhoplaw, were conveyed to the Tower of London, and that, in all probability, they were detained in custody during the reign of Henry IV. as it seems to have been his policy to possess himself of the persons of as many as possible of the most eminent Scots commanders, that he might have the less to dread from the incursions of the inhabitants of Scotland. On the accession of Henry V. to the throne, the Scots, confined in the Tower, were set at liberty. The mandatory letter directed for that purpose to the Lieutenant of the Tower, is published by Rymer, "Rex Constabulario Turris, &c. Mandamus vobis quod quoscunque scotos &c. sine dilatione deliberari faciatis." Rymer, Vol. IX. p. 5. Soon after this period, Sir William Stewart is mentioned among the Scottish chieftains, who engaged in the French service, and who embarked for that purpose, in the year 1419. Mackenzie's Lives, Vol. I. p. 363. The date of this expedition is effectually determined by a passage in Rymer, Vol. IX. p. 795. Hollinshed in his Chronicle, p. 690, mentions the active part which Sir William Stewart took in the service of Charles the VIIth, and seems to allude to his long imprisonment. "Sir William Stewart, Constable of Scotland, a little before delivered out of captivity." The truth of the account of his expedition to France, seems to be supported by several direct as well as circumstantial proofs. Among others, the part which his faithful companion, John Turnbull, Out with the Sword, took in the same expedition, may be instanced as a corroborating evidence; among the the Harleian MSS. No. 782, there is an account of the Frenchmen slayne and Scottes taken prisoners at the bataille of Cravant, 1422. "Ecoffois Mortes, Sir John de St. Johnston, Sir John Balgarvy, Sir John Turnebull, &c." This appears to have been the same John Turnbull, who had been taken prisoner at the battle of Fulhoplaw. Several other proofs to the same effect might be added, but it is apprehended that the evidence already adduced, when collectively considered, will be sufficient to demonstrate the absurdity of the rumour raised, relative to the imaginary execution of Sir William Stewart, at the instigation of Henry Percy, in the year 1402.

However foreign from the truth, the story of the summary proceedings may be which are said to have taken place in the year 1402 with respect to Sir William Stewart, it is not probable,

bable that it is totally destitute of foundation. The complaints alledged against Sir William Stewart, by Sir Phillip Stanley, 1398, have been already noticed. The circumstances attending the battle of Homildon, where so many Scots commanders were taken prisoners by Sir Henry Percy, 1402. The long absence of Sir William Stewart, during his captivity in England, and the violence of Percy's conduct when deprived of the prisoners he had taken at Homildon, by the imperious commands of Henry IVth, afford ample materials for weak and credulous historians to weave a still more extraordinary tale than that which they have fabricated, relative to the judicial murder attributed to young Hotspur. * The violent animosities occasioned by the claim laid by the king to the prisoners taken at Homildon are well known; an idea of their origin may be found from a commission inserted by Rymer, and addressed to the persons nominated to examine the rights of the different claimants who demanded the privilege of profiting by the different captures they had made. "Super prisionariis Captis in conflictu de Homildon," pro certis prisionariis, ibidem captis diversæ actiones, per quosdam personas de retinentia ipsorum, comitum et Henrici Fillii, super Jure Captionis eorundem prisionariorum, et aliarum materiarum incidentium nos ad supplicationem comitis Westmorlandiæ, Vol. VIII. p. 292. The fabrication of a tale from these materials similar to that which has been mentioned, is perfectly consonant with the general practice of the historians of rival nations, where every severity is exaggerated, and every generous action misconstrued or misrepresented. Several instances from the Scots history might be adduced, where on slighter foundations more extraordinary structures have been raised, and where more eminent personages have suffered literary execution, in order to sling additional odium on the memory of an enemy. The fate of Walter Stewart, the celebrated Earl of Monteith, had been summarily decided by the writers of the Scots Chronicles, in order to represent the character of Edward Ist. in as ferocious and barbarous a light as possible. From the eminence of the persons reported to have been concerned in that unjustifiable transaction, it would have been easy to develope the truth of the story. But all successive embellishers of the history of their country, continued without further inquiry, to tarnish the fame of the brave English monarch, by the imputation of a crime which was never committed. It continued, however, to be implicitly believed, till the industrious and accurate pen of Sir David Dalrymple demonstrated, that it had no other foundation in fact, than the execution of Graham, Earl of Monteth, about half a century afterwards, at the command of Edward III. Vide Annals of Scotland, Vol. I. p. 350.

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* It was, perhaps, to ridicule the horrid tales told by the authors of the Scots Chronicles of Hotspur's barbarous exploits, that Shakespear gives the following trait relative to him in his play of King Henry IV. "I am not yet of Percy's mind, the Hotspur of the North; he that kills me some six or seven dozen of Scots at a breakfast, washes his hands, and says to his wife, *he upon this quiet life, I want work*. O my sweet Harry! says she, how many hast thou killed to-day? Give my roan horse a drench, says he; and answers, *some fourteen, an hour after; a trifle, a trifle.*"

After what has been observed, it can hardly be necessary to admit the fact relative to the cruel and ungenerous action attributed to young Hotspur, allowing, however, for the sake of argument, the truth of all he has been accused of; the evidence will be still very insufficient to apply any part of that story to Sir William Stewart, of Jedworth. For the description given in Fordun's Chronicle of the person said to have been executed as a rebel in England, is *Dominus Willielmus Senescallus, de Forestâ*, miles. It does not appear that the title of *de Forestâ* was ever given Sir William Stewart, of Jedworth. And therefore, on the supposition that the fate of Sir William Stewart of the forest, had been exactly conformable to the account given of it in the *Scotichronicon*, it would by no means follow, that that affected Sir William Stewart, of Jedworth. It has been already observed, in a former paper, that the situation of Castlemilk, near the junction of the forests of Etrick, Selkirk, Teyne, and Jedworth, might well procure Sir William Stewart, of Castlemilk the designation of *de Forestâ*. The appearance of another person, *John Stewart*, as proprietor of Castlemilk, in the year 1409, (vide Chartulary of Paisley) would still continue to render it more probable, that it was Sir William Stewart, of Castlemilk, that suffered so unmeritedly in the year 1402, or 1403, had that Sir William been a different person, and had the story that has been related, with regard to that circumstance, been entitled to any credit. Another proof of the propriety of applying the designation of *de Forestâ* to the person in possession of the Castlemilk estate, might be extracted from a royal grant made to James, Lord Douglas, by Robert I. of the lands of Pownichil, in Annandale, to be erected into a free *forest*, and held of the crown. Vide Harl. MS. No. 4609. The vicinity of Castlemilk to these lands of Lord Douglas, it is possible might have procured the proprietor the designation of *de Forestâ*. But whatever opinion be entertained on this subject, it can hardly be considered as a decisive argument to assert, as is done in the observations under consideration, p. 7, that Sir William Stewart, of Jedworth, "was sometimes designed of *the forest*." For as the application of that description is the subject of enquiry; the decision of the fact, by a declaration to that effect, without a view of the evidence, will carry with it little conviction, when it is recollected, that no other instance occurs, where the title of *de Forestâ* is applied to any person of the name of Sir William Stewart. The extreme impropriety, however, of applying that title to Sir William Stewart, of Jedworth, is evident; for his residence in the *town*, which bore that name, would render it highly absurd to describe him as of the Forest of Jedworth. That Jedworth was, at that period, a large town and not a *village*, as suggested in the observations alluded to, p. 20, is evident from ancient charters. There is a charter by king Robert Bruce, of several privileges to the *burgesses of Jedburgh*, still preserved in the public archives. Vide Inventory of Scots Charters in the British Museum, Harl. MS. No. 4628. James, Lord Douglas, about the same juncture, had a charter from the King of the "*Market Town* of Jedworth; the castle thereof, the village of
" Bonjedworth,

“ Bonjedworth, and the forest of Jedworth, with the manors of Jedworth.” Vide Inventory of Scots Charters, Harl. MS. No. 4609. Annexed to the Chartulary of Dumfermling, No. 4628, preserved among the Harl. MS. there is a large fragment of the Chartulary of Jedworth, from whence a very satisfactory account may be derived of the state of that borough in the fourteenth century. From this chartulary, it is evident, not only that it was a large *town* at that period, but that it then consisted of two large towns; for, from a grant made to the Abbot and Monks of Jedworth, it appears, that a considerable part of their revenue arose from the toll paid for the grist ground for the inhabitants of that part of Jedworth, where the castle stood. Another grant to the same religious house, in the same chartulary, is entitled, “ A Grant to the Abbey of Jedworth, of the Tiends of the Parishioners of the *two Jedworths*.” Chartulary of Jedworth, Harl. MS. No. 4628. These proofs and several others to the same effect, that might be adduced from the same authority, seem clearly to evince the inadvertency fallen into in that part of the observations, where it is contended that Jedburgh was an insignificant village in the year 1402, and that *de Foresta* might be assumed as an apposite designation, by one of its principal inhabitants. A similar error appears to have crept into these observations, where it is asserted, as in p. 20, that the town, the castle, and the forest of Jedburgh, were synonymous terms. The proofs collected in support of this extraordinary proposition, seem by no means to justify the opinion that had been apparently formed on the subject. For the citations from Rymer, prove that the same person was occasionally nominated governor of the castle and town, and ranger of the forest of Jedburgh, but do not amount to a proof that the town and forest meant one and the same thing. It does not seem necessary to have recourse to much argument, to demonstrate the inconsistency of such an opinion. It would not be difficult, however, to produce evidence from Rymer’s *Fœdera*, and other authorities to prove that an essential difference subsisted between them, if the question were not effectually decided by the very nature of the things. The following circumstance, could any doubt be entertained on the subject, would tend completely to remove it. In the year 1334, Robert de Maners was appointed by Edward III. to the government of the town of Jedburgh, together with Selkirk and Etrick Forests, and William de Pressen was nominated governor of the castle and forest of Jedburgh. Rymer, * p. 606, 608, Vol. IV. Dalrymple’s *Annals of Scotland*, Vol. II. p. 172. Had the town and forest of Jedburgh been synonymous terms, the government of them could hardly have been conferred on different persons; and if they were two different things as seems evidently proved, a person, resident in the former, could hardly be considered as an inhabitant of the latter. This seems sufficient to evince the absurdity of applying Fordun’s designation of *de Foresta* to Sir William Stewart, of Jedworth.

Winton’s

* Rymer, Vol. IV. p. 616, 608. See the preceding sheets.

Winton's expression of Schyr Sir William Stewart, of *Tevydale*, on a superficial view, appears, however, more decisive, but even this description will be considered as very undeterminate, when the loose style of the author of the Chronicle is maturely considered. He, to all appearance, was engaged in the arduous task of rendering Fordun's Chronicle into Scottish verse, or the Continuator of Fordun, in converting his verse into prose; and without enquiry into the truth of the story, or the propriety of the expression, he versifies the tale relative to the fate of Sir William Stewart, as it is told in the Scottish Chronicle, either taking it for granted, that *de Forestâ* meant of Jedworth Forest, or convinced of the difficulty of making so uncouth a word as *de Forestâ*, run agreeably in verse, he, with the *poeticâ licentiâ*, allowed on such occasions, translates *de Forestâ* of *Tevydale*. Addison, in his remarks on the ancient ballad of Chevy-chace, has observed that there is something peculiarly musical in the sound of the words, "*all men of Tevidale*." Winton appears to have been of the same opinion, and to have been so charmed with the music of the word, that he attempts to introduce it on all occasions, and often without any regard to propriety. In the chapter subsequent to that, where Sir William Stewart's story is versified, he repeatedly attempts to rhyme to *Tevydale*, within the compass of a very few lines.

In the month Yat zer of May
James of Gladstones on a day
Of Cocklawes Laird in *Tevydale*
Came and askyt * suppowall.
Trowyt he sald wyn *Tevydale*
To ye Englis Fay all hale.
To Wyn Cocklawes in *Tevydale*
Set he wald hym for Batail.

Winton's Chronicle, ad annum, 1403.

From the frequency of these rhimes, and the forced and affected manner in which they are often introduced, nothing conclusive can be inferred from the use of this expression, by Winton. And even if the propriety of the expression were proved, the application of it to Sir William Stewart, of Jedworth, would still remain questionable. For, Sir William's usual designation was *de Jedworth*, and as is evident from Rymer, he still more commonly was named Sir William Stewart, without any particular description. In the contract of marriage of 1396, he is stiled Sir William Stewart, *Sheriff* of Teviotdale. But no ancient charter has yet been discovered, where the designation of *de Teviotdale* is applied to him. In fact, the description of *de Tevidale* would be so vague, that it could hardly be considered as any designation at all. The charter which bears the greatest appearance of countenancing that description, is Robert III's grant to the monks of Jedworth, dated 1395, where

* Aid, support.

where one of the witnesses is *Willelmo Senescallo de Teud*, or *Jeud milite*; but it is uncertain from the many verbal errors in the transcript of the chartulary of Melros, from whence this charter has been copied, whether the word *de Teud* or *Jeud*, be an erroneous abridgment of *de Jed. de Jedworth*, or whether it be an intended abbreviation of the word *de Tevidall*. It certainly bears more the mark of an abbreviation of *de Jedworth*. On a critical examination of that transcript, several literal errors of greater magnitude will be found to occur in it, than that which is supposed to have crept into this passage. But admitting that *de Foresta*, in *Fordun*, meant of the Forest of *Jedworth*, and that the expression of *Tevydale*, used by *Winton*, is perfectly warrantable, it will not follow, even allowing the truth of the story related by them, that *Sir William Stewart*, of *Jedworth*, was the person meant by them. For it has been already observed, how many proofs there are which tend to shew that he was imprisoned in the Tower of London, at the period when the battle of *Homildon* was fought. Besides, it is pretty evident, that, at that juncture, there was another *Sir William Stewart* resident in the forest of *Jedworth*, or its environs, to whom *Fordun* and *Winton's* account, if at all credible, might be more applicable: The evidence requisite to prove this, may be found in the inventory of Scots charters, among the *Harl. MS. No. 4609*, "a charter to *John Maxwell* (tempore *Roberti II. di.*) "of the lands of *Fosslaw* in the barony of *Maxwell*, vice. com. de *Roxburgh*, by the "forfeiture of *William Stuart, Ward*. A charter of *John Maxwell*, of the lands of *Lyandore*, "in the barony of *Renfrew*, in vice. com. de *Lanerk*, which *John Burt* resigned, holding "of the *Stuari, Ward*." *Sir William Stewart*, of *the Forest of Angus*, who had possessions in *Tevidale*, is likewise mentioned by the *Scotchchronicon*, as present at the battle of *Homildon*.

The result of all that has been observed, appears to be, that little credit is due to the story of the summary execution of the Scots prisoners by *Hotspur Percy*, immediately after the battle of *Homildon*, but admitting, for the sake of argument, that the story is founded on the best authority, no satisfactory proofs can be adduced to shew that *Sir William Stewart*, of *Jedworth*, was the person sacrificed on that occasion. It is no proof, however, of the veracity of this story, that the truth of it is admitted by the author of the *History of the House of Garlies*, as remarked in the observations, p. 30. The author of that history seems to have regarded the passage in *Fordun* as a new discovery, and like all new discoveries, it is boasted of, and exulted in, without examination and without reflection. One passage, however, in *Fordun*, seems to have struck the author of that history, as rather too absurd to be credited, therefore he has been cautious enough in his quotation to suppress it. It is the sentence which begins, "*quod ille cum puer esset, &c.*" intimating, that *Sir William Stewart*, when a * boy, on the subjection of *Tevidale* to the English government,

* The conquest of *Tevydale*, by the English, was, in the year 1345, if *Sir William* had been old enough to swear fealty in that year, he could hardly have been able to take so active a part in the attack of *Roxburgh*, &c. in the year 1397.

vernment, had sworn fealty to the king of England, and, therefore, that he was executed by Percy as a traitor, because, in consequence of an engagement into which he had entered when a child, and when incapable of judging for himself, he ought to have been considered as an English subject. But this is not the greatest absurdity attending this story. Sir William Stewart had been often in the hands of the English, prior to the battle of Homildon; he is acknowledged, in the observations, to have been taken prisoner by them at the battle of Fulhoplaw; had he been the traitor he has been represented to be, it is probable that he would have been punished the first time he was taken prisoner, and not liberated without ransom, in order to be again taken without crimination, and wantonly executed without proofs; upon the whole, it is hoped that the very ingenious author of the observations on the papers drawn up on the part of Lord Galloway, will, on reviewing the objections raised against those papers, be candid enough to acknowledge, that there are no satisfactory proofs of the truth of the story of Sir William Stewart's summary execution; and that, were the fact sufficiently established, no decisive evidence has been adduced to demonstrate that Sir William Stewart, of Jedworth, was the person who suffered on that occasion.

The next proposition laid down in the observations, "that the History of Sir William Stewart, of Jedworth's life, is inconsistent with the account given of William, the brother of Sir John Stewart, of Darnley," seems still liable to more insurmountable objections. The genealogical table, at least, in the observations, upon which that proposition is principally founded, appears, in many instances, not only to be supported by no proofs, but to have been seemingly drawn up in direct opposition to what has the semblance of the clearest evidence. For John Stewart, of Jedworth, mentioned in the chartulary of Kelso, 1323, is represented as the son of Sir John Stewart, of Bonkill, whereas the son of Sir John Stewart, of Bonkill, is proved to have been designed *de Daldon*, and to have fallen at the battle of Hallidown-hill, 1333. Vide Dalrymple's Annals of Scotland, Vol. II. p. 307, &c. *Johanes de Foresta*, mentioned by Rymer, in the year 1368, is, in the genealogical table, alluded to, represented as of the Stewart family, and as the ancestor of Lord Galloway, whereas there are no proofs whatever, that *de Foresta* had any connection with the Stewart name; on the contrary, there is every reason to suppose it to have been the Latin name of some branch of the family of the *Foresters*, perhaps of the *Foresters* of Corstorphin, so often mentioned in the Scots History about that period. Sir William Stewart, of Castlemilk, mentioned in 1398, is represented as the same person who fell before Orleans, in the year 1429. Though if a different * person, he might be proved to have been dead before the year 1409, as a John Stewart was in the possession of the Castlemilk estate in that year; no attempt, however, is made to account for this circumstance, and no satisfactory proofs are adduced

* That is, if he was a different person from Sir William Stewart, of Jedworth.

adduced in support of the other feeble parts of this fable, the second inserted in the observations. From a criterion so questionable in itself, what adequate idea can be formed of the consistency of the genealogical account to be adjudged by it; while the proposed standard itself is so fallacious, it will not appear extraordinary, that the ancestral chain to be measured by it should prove defective. That an apparent anachronism should be discovered in the Dalswinton line, when tried by this rule, tends rather to support its consistency. For, should the contemporary generation still run parallel to its corresponding link in the Darnley chain, after such a change has been effected in it, by the introduction of so extraneous a matter, as the article relative to the *de Forestâ* family, it would prove that it originally began at a different period; the appearance of Sir William Stewart, of Jedworth, therefore, as remarked, p. 41, of the observations, in a generation contemporary with Sir Alexander Stewart, of Darnley, when tried by this genealogical table, is rather a proof that he lived in the succeeding generation, and might have been the son of Sir Alexander Stewart. Proper allowance being made for the alteration made, when viewed through the medium of the table, the same remark may be extended to * John Stewart, of Jedworth, and Marlon Stewart, of Dalswinton. Their appearance, when viewed by such light, "in a generation precisely contemporary with Sir John Stewart, of Darnley," may be regarded as a proof that they existed in fact in a generation subsequent to him, as their appearance, in a different position, does not arise so much from their change of situation, as the difference of the medium through which they are viewed.

This objection, with respect to Sir Alexander Stewart, of Darnley's marriage with Janet Turnbull, is best answered by the circumstantial evidence, which proves the probability of that marriage. It is observable, that no proofs whatever of Sir Alexander Stewart's marriage with Janet Keith, can be discovered, prior to the fifteenth century. That she was married to Sir Alexander, is certain, and that she was in a state of widowhood in the year 1406, is satisfactorily proved. For there are several charters executed by her, about that period, from which it is evident, that she was then considered as Sir Alexander Stewart's widow. But it appears probable from an inventory of Scots charters, in the British Museum, Harl. MS. No. 4609, that she had not been married to Sir Alexander Stewart, in the year 1392, for she then appears to be Sir David Hamilton's widow. It is unquestionable, however, from a charter preserved in the public archives, that she was married to Sir David Hamilton of Cadzow, and that he was alive in the year 1378. It is impossible, therefore, that she should have been the mother of any of Sir Alexander Stewart's children, as they all appear to have arrived at the age of maturity, prior to the year 1390. The former of these circumstances renders the maternal relation of Janet
Keith,

* See the parallel drawn between the history of Sir John Stewart, of Darnley, and Sir William Stewart, of Jedworth's Lives, in the preceding pages.

Keith, to Sir John Stewart, of Darnley, improbable, because earlier proofs of the marriage would have appeared, had it taken place long before the conclusion of the fourteenth century. The latter circumstance renders it impossible, because, supposing her former husband to have expired instantly on signing the charter 1378, the period will be too short an interval to render it probable that she had children of mature years by a second husband before the year 1390. This seems so evident, that it would be superfluous to load this part of the subject with any additional arguments. In a former paper, this part of the question has been examined more at large, which makes it still more unnecessary to crowd these pages with more than a candid consideration of the observations that occasioned their being written. It will not be improper, however, to observe, that in a collection of proofs, relative to the Douglas family, drawn up by David Symson, and preserved in the British Museum, among the Harl. MS. No. 6432, there is a similar remark, with regard to the use of the word son, in ancient charters, to imply step-son, or son-in-law; so that Janet Keith's using that expression, when speaking of her husband's son, Sir John Stewart, of Darnley, is perfectly consonant with the language and practice of the times, and by no means implies, that she was actually Sir John Stewart's mother in the strict sense of the word; but only that she had been married to his father, Sir Alexander Stewart.

There is every reason to conclude, that Sir John Stewart was the son of Janet Turnbull, the sister of Sir John Turnbull, of Minto, a very opulent and respectable family on the borders of Scotland, in the fourteenth century. That he was Sir Alexander Stewart of Darnley's eldest son is an indubitable fact, and there are several proofs which seem sufficient to evince the probability of Sir William Stewart of Jedworth's being the second son of Sir Alexander Stewart, and of Janet Turnbull, of Minto, having been the mother of all Sir Alexander Stewart's children. It cannot therefore injure the statement which has been mentioned to observe, "that Sir William Stewart must have been the eldest son, had he been descended from Sir Alexander Stewart," for the fact of his descent from the family of Darnley seems so well established, that no misrepresentation is capable of affecting its credit, and Sir John Stewart's maternal descent from the Turnbull family, appears likewise supported by every possible circumstantial evidence. As it is impossible in the nature of things, that he could have been descended from Janet Keith, and as no authority can be assigned for forming so improbable an opinion, at least, when the usual language of the ancient charters of the times is critically and maturely considered; admitting, however, for the sake of argument, that the statement contained in p. 37 of the observations, is perfectly consistent with probability, and that Sir John Stewart of Darnley actually was the son of Janet Keith: Sir William Stewart, of Jedworth, might likewise be supposed, without any greater violation of verisimilitude to have been her son, and that the appellation *nepos meus*, applied to him by Sir John Turnbull, of Minto, implied, his having married a niece or a grand-

grand-daughter of Sir John Turnbull; a *mode of expression not unusual in those days, when speaking of the husbands of nieces, or grand-daughters. This supposition would at least have to struggle with less inconsistencies than the hypothesis that would make Sir John Stewart the son of Janet Keith, or represent him as the second son of Sir Alexander Stewart, of Darnley, or assert in opposition to so many respectable authorities, that Sir William Stewart, of Jedworth, was not a son of the family of Darnley.

But whatever invalidity there may be in the objections raised against Sir William Stewart's descent from the Darnley family, on the score of his having been born of a mother of the House of Minto, the objection raised against that descent from any imaginary chronological difficulty, will be found on examination to be still more feeble, and more inconclusive. Sir William Stewart, of Jedworth, appears to have been contemporary with Sir John Stewart, of Darnley. For Sir John Stewart is first mentioned in the year 1383, in a charter of the lands of Ballincrief, preserved among Lord Hopetown's papers; and Sir William Stewart, of Jedworth, is first mentioned in 1385, when he had a grant of the lands of *Synahways*. Sir William Stewart is frequently mentioned about the year 1390. In that year there is a decree of the Baron Court of Cambusnethan, signed by William, Alexander, and Robert Stewart. Sir Robert Stewart is known to have been the son of Sir Alexander Stewart, of Darnley, the then superior Lord of Cambusnethan, for, in the chartulary of Paisley, Sir Robert Stewart is mentioned in the year 1397, and described as the son of Sir Alexander Stewart, of Darnley; Sir William Stewart is proved by this circumstance, not only to have been contemporary with Sir John Stewart, of Darnley, but with his younger brothers, Alexander and Robert. For Sir William Stewart is not only mentioned in the year 1385, as a young man, who had not yet acquired the honour of knighthood, but in the year 1390, the appellation of *nepos meus*, given him by Sir John Turnbull, of Minto, has all the appearance of proving him to have been of youthful years. The rash attack made by him on the works of Roxburgh, in concert with the young son of the Earl of Douglas, in the year 1398, as mentioned in Rymer, is the action of a man (if a judgment of his years can be formed from his discretion) who was not yet far advanced in life. The whole of his conduct during this period, the engagements he was concerned in, and the energy he displayed on all occasions are irrefragable proofs, even as they stand in the records published by Rymer, that he was then young, active, and enterprising. These are not conjectures, but evidence extracted from the most indubitable authority. And from these documents, it is apparent that Sir William Stewart, of Jedworth, was contemporary, not only with the eldest son, but with Alexander and Robert, the third and fourth son of Sir Alexander Stewart, of Darnley. To form an adequate idea of the period of Sir John Stewart, of Darnley's marriage, it should

* The author of the MS. History of the House of Garlies, asserts that an ancestor of Sir William Stewart, of Jedworth, Sir John Stewart, of Jedworth and Darnley, 1323, had married a lady of the Turnbull family.

should be recollected that he married one of the daughters of the Earl of Lennox, while the Duke of Albany married the other. The Duke of Albany may be proved, on the best authority, to have had four sons, who were all engaged in the public affairs of their country, early in the fifteenth century, therefore it is evident that the marriage of the Duke of Albany, as well as that of Sir John Stewart, of Darnley, must have taken place long before the conclusion of the fourteenth century, and probably prior to the marriage of Sir William Stewart, of Jedworth. But whatever opinion be formed on this subject, it is beyond a doubt that the line of the Stewarts of Darnley and the Jedworth line ran parallel to each other for many generations.

In comparing two genealogical chains, it cannot be expected that every link should be precisely of the same length with the corresponding one; but that the extent of the whole line, for a certain period, should bear some proportion to the extent of the collateral line. Sir William Stewart, of Jedworth, has been already proved to have been coetaneous with Sir John Stewart, of Darnley. Sir John Stewart, of Dalswinton, the son of Sir William, was evidently contemporary with Sir Alan, the son of Sir John Stewart, of Darnley. For the former is mentioned in the year 1418, when he lost a young widow; and the latter in the year 1430, when he already had a son of a considerable age. No charters prove their precise age, but it is presumable from these circumstances, that Sir Alan, and Sir John, of Dalswinton, were born nearly about the same period. For Sir Alan had a son, Sir John, who succeeded him in the estate of Darnley, in the year 1438, and Sir John Stewart, of Dalswinton's son, Sir William, appears from several charters, still extant at Minto, to have been busied in the year 1438, in the attempt to recover his estate, at Minto. Thus Sir John Stewart, the grandson of Sir John Stewart, of Darnley, and Sir William, the grandson of Sir William Stewart, of Jedworth, may be proved to have lived, not only at the same period, but to have been as nearly as can be ascertained, of a similar age; for, from several charters still extant, it is evident that they both lived till about the year 1477. The comparison between the two genealogical lines, might be continued with equal effect for several generations. It is sufficient, however, to answer every purpose of the present question, to have indubitably proved on the clearest evidence, not only that Sir William Stewart, of Jedworth, was contemporary with Sir John Stewart, of Darnley, but that their different descendants for two or three generations were contemporary with each other without a single exception. For it cannot be regarded as an exception, that Sir John Stewart, of Dalswinton, who probably fell in the expedition to France, 1419, should have died a few years before Sir Alan Stewart, of Darnley; few contemporaries die precisely at the same period. But even this exception happens to be removed by the circumstance of his widow, Marion Stewart, of Dalswinton, (who probably was of the same age with her husband) having survived Sir Alan Stewart, of Darnley, for many year. Her death on the best authority may be proved
not

not to have taken place prior to the year 1448, or 1449, at least there is a charter still extant, which evidently shews she was alive in the year 1444. These arguments are not brought forward on the fluctuating surface of conjecture, but fixed on the immoveable basis of ~~in~~frangible evidence. And if the question, who was the brother of Sir John Stewart, of Darnley, is to be decided by chronological enquiry, no competitor can be named, who has a more undeniable claim to that distinction than Sir William Stewart, of Jedworth.

To recur to the objections raised against this part of the account given of the Dalwinton line, it will be necessary to observe, that as they are founded only on conjecture, they will be best answered by similar conjectures. Sir William Stewart, of Jedworth, was evidently not a knight when mentioned in the charter of 1385, whence it is presumable that he was not of mature years. Let it be supposed that he was, at that period, in his twentieth year. This would make him no more than sixty-four when the siege of Orleans took place; an age perfectly consistent with the age of Sir John Stewart, of Darnley, when he fell at that memorable era. On the supposition that Sir William Stewart married in the year 1386, he might have had a son the age of nine years, in 1396. In cases of an heiress to a considerable estate, it was very customary, at that period, to contract marriages, and to have the ceremony performed, when the parties were no more than nine years of age, and to defer their cohabitation till they became of mature years. Margaret, daughter of Ralph, Lord Neville of Raby, for instance, was contracted to William, Lord Ros, of Hamelake, but he died when she was only eleven years of age. Collins's Peerage, Vol. II. p. 342. Many instances of still earlier marriages might be adduced, but it is evident, that both Marion Stewart, and John Stewart, of Jedworth, were extremely young in 1396. She was still young in 1420, and lived till the year 1449. They did not cohabit together till the year 1408, as William their eldest son was not of age till the year 1429. They were so young in 1396, that neither of them were named as parties concerned in the marriage contracted for them, and the time of the ceremony to be celebrated for them was appointed, not by them but by others. A proof it was regarded merely as a ceremony, and that they were then considerably under age. But to avoid longer reasoning, the contract itself is still extant, and a bare inspection of it will prove to a demonstration, that the parties, for whom the contract was made, were then minors.

From these circumstances, it is evident that Sir William Stewart, of Jedworth, could be at most no more than twenty-one in the year 1385, and thirty-two in the year 1396, which would make him sixty-five in the year 1429; let it be admitted, however, contrary to all evidence, that he was thirty in the year 1385, and his son twenty-one in the year 1396, this would make him only seventy-four at the siege of Orleans, an age much inferior to that of several military commanders who have distinguished themselves in more trying situations; and by no means inconsistent with all that is known of the age of Sir John Stewart,

of

of Darnley, at that period. In short, for the sake of argument, let all the retrograde calculation in p. 38 of the observations be admitted, no difficulty will occur, but what may be easily reconciled with the chronological history of the family. It is apprehended, that an equivocal, founded on the circumstance of Sir Alexander Stewart, of Darnley's having a son Alexander 1390, who never succeeded to the estate, gave rise to the supposition, that there were two successive proprietors of the Darnley estate of that name. This, however, is introduced in the calculation, in p. 38, and 39 of the observations, to increase the imaginary embarrassment that would accrue from the supposition of Sir William Stewart's being of the age of thirty-one in the year 1385. It is improbable, and it may be added, impossible, he could at that juncture be of so advanced an age. But even admitting that to be possible, the whole of the consequence resulting from it in p. 38, &c. of the observations, may be admitted without much difficulty. For the age of Sir John Stewart, of Bonkill, in 1298, when he fell at the battle of Falkirk, and his leaving seven sons and a daughter, render it not improbable that his second son Alan might be in his twenty-first year, in 1291, and have a son marriageable in 1312, for Sir Alan Stewart appears from unquestionable authority to have been one of the most eminent of the Scots commanders in the wars in Ireland, in 1313, and his younger brothers seem to have been sufficiently experienced to have distinguished commands in the same expedition. Sir John Stewart, of Darnley his son, may be supposed, without any violent anachronism to have been marriageable about the year 1312, if any credit be due to Sir Robert Douglas, who represents the Sir Alexander Stewart mentioned in Rymer, among the prisoners taken at Durham, 1345, as the son of Sir John Stewart, of Darnley. And the deed of entail executed by Sir John, in 1357, is another circumstance, not very inconsistent with this supposition, as even, according to this calculation, his death soon after 1360, might happen before he had reached his seventieth year. Upon the whole, the age of Sir William Stewart, of Jedworth, and that of his descendant, if we follow the certain authority of ancient charters, may be demonstrated to have ran parallel to the age of Sir John Stewart, of Darnley, the first Lord D'Aubigny, and his successors, and if we overlook all proofs, and have recourse to conjectures, the most extravagant calculation cannot represent Sir William's age, or that of his descendants, as any way incompatible in point of chronology with the supposition of his being the son of Sir Alexander Stewart of Darnley, who, in the decline of life, married Dame Janet Keith.

It would be avoiding an imaginary difficulty, by running into a real one, to make Sir John Stewart of Jedworth, who married Marion Stewart, of Dalwinton, as proposed in the observations, p. 41, contemporary with Sir John Stewart, of Darnley, for though Sir John Stewart, of Jedworth, is first mentioned in 1396, he was still young in 1418; his widow, who was probably of the same age with him, was young in 1424, when she married Sir John Forrester of Corstorphin. She lived till the year 1449, and survived Sir Alan,
the

the son of Sir John Stewart, of Darnley eleven years, and therefore it is presumable that her first husband Sir John Stewart, of Jedworth, was born about the same period with Sir Alan Stewart, of Darnley. His premature death in the year 1419, can be no proof of the contrary, because his son, Sir William Stewart, of Dalswinton, was evidently contemporary with John, the son of Sir Alan. They are both mentioned in several charters subsequent to the year 1450, and there is every reason to conclude that they were of a similar age. No difficulty can therefore arise from making Sir William Stewart, of Jedworth, contemporary with Sir John Stewart, of Darnley, who fell before Orleans, in 1429, but it would be to offer violence to every authority extant to represent his son, Sir John Stewart, of Jedworth, as of the same age with Sir John Stewart, of Darnley, it would derange the chronology of the subsequent generation, and look like discrediting all the charters which prove the grandson of Sir William to have been contemporary with the grandson of the first Lord D'Aubigny.

With regard to the remark in p. 42, 43, of the observations that Sir William Stewart of Jedworth, was never styled *consanguineus meus* by the king in any of the crown charters, it is observable, that earls and barons, while in possession of the family estate and title, were generally honoured with this appellation in the crown charters, on the slightest pretensions. The same honour was sometimes extended to the eldest son and heir of the family, but the younger sons were seldom distinguished by this acknowledgment of consanguinity. Thus the earls of Douglas, and sometimes the eldest sons, were styled *consanguinei*, by the kings of Scotland, but the same title was not given to the younger sons of the family. Had Sir William Stewart been the eldest son of any family, it is probable that his opulence and eminence would have procured him this distinction in the crown charters, but, on the supposition that he was the second son of the Darnley family, it would be contrary to the general custom of the times, to give him that appellation. The circumstance of his being never addressed, therefore, in the crown charters, by the title of *consanguineus*, so far from being a proof that he was not the second son of Sir Alexander Stewart, of Darnley, will be found, when duly considered, a strong circumstantial proof of his being so. To which it may be added, that the address of *carissimus et fidelissimus noster* often given him, proves that he was of the Darnley family, as it is not known that any other family of the Stewart name, was at that period sufficiently distinguished by the attention of the Royal Family, to be honoured with such flattering appellations.

On a retrospective examination of all the objections raised against the supposition of Sir William Stewart's descent from the Darnley Family, some of them will be found contrary to the most respectable authorities, and others formed of very improbable conjectures, but none of them of sufficient weight to counterbalance the direct testimony of several writers, that he was a son of that family. The story of Sir William's execution has been shown to be
very

very improbable, when the manly and martial character of young Percy is considered: but even admitting the truth of it, it was shewn that it could not have been true with regard to Sir William Stewart, of Jedworth. The whole of the chronological difficulties supposed to be adverse to Sir William Stewart's relation to the Darnley family, have been candidly and impartially examined, and so far do they appear from presenting insurmountable obstacles, that most of them seem to arise from very unwarrantable conjectures, or tend to prove, rather than overturn, the very hypothesis they were calculated to embarrass. Allowing, however, for the sake of further argument, the truth of the story of Sir William Stewart's execution in 1403, allowing the full force of all the chronological difficulties opposed to the supposition of his fall before Orleans in 1429, and allowing the whole of the statement, relative to Janet Keith's maternal relation to the sons of Sir Alexander Stewart, of Darnley. The evidence of Sir William Stewart's being the brother of Sir John Stewart, of Darnley, will remain uncontradicted and unshaken. For there can be no stronger proof of the identity of persons mentioned in ancient writings, than the manner in which they are generally named. Sir William Stewart, of Jedworth, was generally distinguished by the name of William Stewart, without any additional description. This is evident from repeated instances in Rymer, the best authority that can be cited. But Sir William Stewart was the person who signed the decree of the baron court of Cambusnethan, in 1390, and who was one of the sons of Sir Alexander Stewart of Darnley, therefore Sir William Stewart, of Jedworth, was the son of Sir Alexander Stewart, of Darnley, and the brother of Sir John Stewart, the first Lord D'Aubigny. The supposed death of Sir William Stewart in 1403, even if it could be substantiated, cannot effect this evidence. For it is not yet decisively proved, whether the person who perished before Orleans, was the brother or the son of Sir John Stewart, or whether his brother William was ever engaged in the French expedition. The appellation of *nepos meus* given him by Turnbull, of Minto, cannot disprove his being the son of Sir Alexander Stewart, by Janet Keith. It renders it, it is confessed, improbable, but not to that extent, that the proofs of her marriage with Sir David Hamilton of Cadzow, do render the whole supposition of her maternal relation to the sons of the Darnley family. In short, the proof of Sir William Stewart, of Jedworth, mentioned in 1390, being the son of Sir Alexander Stewart of Darnley, seems irresistible and incontrovertible, whatever conjectures be formed in opposition to it. The ingenuity discovered in the observations on Lord Galloway's papers, is felt and acknowledged, and can only be equalled by the learning and talents displayed in the different researches, for the illustration of the side of the question they were intended to favour. If the evidence of Sir William's descent from the Stewarts of Darnley, can stand the ordeal of so much critical acumen, it must be admitted irrefragable. It is confidently believed, that it has

has stood that trial with honour. Therefore it is hoped, that its credit may now be considered as completely established. It is admitted, in the course of the observations alluded to, that Lord Galloway's claim to the chiefship of the Stewarts, is unquestionable, if the truth of the former genealogical table inserted in it could be supported. It is apprehended, that it has been fully and satisfactorily supported. And therefore it is hoped, the priority of Lord Galloway's pretensions will be fairly acknowledged. And that as the honour is equal, to be descended from a second son of so distinguished a character as Sir William Stewart, of Jedworth; that the Stewarts of Castlemilk may, with the approbation of all who examine their history, be placed where the best genealogists have always placed them, as cadets of the Stewarts of Dalwinton and Garlies.

A P P E N D I X.

No. II.

Contract of Marriage betwix the LORD DALSWINTOUN, and Sir WILLIAM STEWART, Sherrif of Tevidale, dated 17th October, 1396, Ex originali.

AT Drumfreys, the xvij day of October, the yher of our Lord mccc iiij^{xx} and xvj. It is accordit betwix Sir Wal^r Stewart, Lord of Dalswyntoun, on the ta part, and Sir Will^m Stewart, Schirrefe of Tevidale, on the tother part, in manner and effect as eftir followis, that is for to say, that Jon Stewart, the son and ayr of the foresaid Sir William sal hafe to wyfe Maryoune, the dowghter of the foresaid Sir Walter, and matrimone to be fulfillit betwix thaim, befor Candilmes nixt to cum : for the quhilk marriage the foresaid Sir Walter fall pay to the fore^d S^r Willm vij^{xx} of merks, and the fore^d S^r Willm fall lese and gif till his son and air fore^d vij^{xx} of merks worth of land, and annuilrent withoutin fraude or gile, and al ye lase, yat he fall conquest to be gyvin to ye fore^d John his son and ayer out takyn xx pounds worth of land to be gyvin till his oyr son or quhar he wyl, and gif it happen ye fore^d Maryoune to be ayr to ye fore^d S^r Wal^r of ccc merks worth of land, and xvi ye quhilk he has thocht to lese and gif till her gyf he gets nane oyr airs of his body, the fore^d S^r Willm fall pay to ye fore^d S^r Wal^r for maryage of his doughter xvij^{xx} of merks. Of ye quhilk vij^{xx} fall be debatit for y^e mariage of his son before^d, alsa it is accordit, yat y^e fore^d Sir Wal has reservit in his hands xl mrks worth of land, to gif quhar him lyks ye chese place of y^e Lorship resignt to ye airs ffor y^e quhilk ye fore^d S^r Willm fall hafe alowans of xl merk of ye hale soume betwix yaim accordit gif y^e fore^d xl merks worth of land be giffin fra y^e air, alsa it is accordit that y^e fore^d S^r Willm fal pay half ye xvij^{xx} of merks at dais undirwritin, That is for to say, xl merk at Candlemes, yat nixt cumys xxxv merk at Whitsonday next yarafter xxxv. merks at Mertinmes next followand xxxv merks at Whitsonday next yarafter, and xxxv merks

at

at Mertimes next followand proportionally, and the toy^r half of the xvij^{xx} of merks, at the will of y^e foref^d S^r Wal^r quhat time yat he maks warning be his Lere to ye foref^d S^r Willm, wirhin twa yhers next followand the said warning at iiii terms proportionally, That is for to say, Witsundays & Mertines, withoutin fraude or gile, That is for to say, xlv merk att ilk terme. Alsa it is accordit, yat gif y^e aforef^d S^r Wal^r getts ony uy^r airs of his body yan y^e foref^d Maryoune he fall gif agayn als mykle of y^e payment yat he refavit within als schort days cam of ye foref^d S^r Willm to ye quhilk he fall find sickkernes outhir be land or obligation, yat ye foref^d S^r Willm fall be affithit of be resoune. Alsa, it is accordit yat gif y^e foref^d S^r Wal gets airs male, he fall gif agen all the hale soume of the xvij^{xx} of merks as far as he has ressavit in sylvir, or in the marriage of ye foref^d Jon, and gif y^e foref^d S^r Wal gets a doughter yat y^e land aucht to be departit be laugh he fall gif agen ye payment beforef^d, at sik terms as he tokit as abovin is writtin. Alsa, it is accordit, yot durin y^e lifes of y^e foref^d S^r Wal^r and S^r Willm quhat tyme yat y^e foref^d S^r Wal will say yat y^e foref^d Maryoune fall be y^e air of his land beforef^d and yai to find sufficient sickkernes, y^e foref^d S^r Willm fall pay to y^e foref^d S^r Wal all y^e hale soume of y^e xvij^{xx} of merks within twa yher day proportionalli, at four terms sic as abovin is writtin allowand to ye foref^d S^r Willm it yat is payit in the mene time and y^e soume accordit of his sons marriage, and ye soume of y^e xvij^{xx} of merks beforef^d, fall nouthir be payit to y^e foref^d S^r Waters airs na till his executouris. Alsa it is accordit yat gif y^e foref^d Jon or Maryoune dee wthin a xij moneth and a day efter yet y^e matrimony be fulfillit (as God forbide) ye foref^d S^r Wal sal gif again to the foref^d S^r Willm all hale ye payment yat he has ressavit, or fall ressave, within y^e foref^d xij moneth as laugh of marriage will. In y^e wytness & fulfilling of all yir things beforef^d lili & treule to be fulfillit, ye foref^d S^r Wal and S^r Willm interchangeable to yir indentiris, has set yir selis, & for mare sickkernes has gyvin bodjli aiths day yher and place beforef^d. In y^e presens of Dougal Mac Doual, S^r Jon Stewart, S^r Willm of Symindtoun & Danit of Kyrkpatrike.

Tag for the Seal.

APPENDIX,

No. III.

*Renunciation of Pretense to the Lands of CALLIE, dated October 31,
1418.*

BE it maid kende, till all men be these present letters, me John Stewart, Knyt, Lord of Dalswytone, with the consent and the assent of Marion my vyffe till hafe qwytyclamyt for us and for our ayrs, till Sir John Stewart, of Gyrton, and till his ayrs gottyn, or for to be gottyn, all ryt yat be any manner of ways we or our ayrs has, or has had, or may hafe in tyme to cum, of ye barony of ye Cale, wyth the purtenances, lyand in the regalytie of Galloway, and vyt in the stewartry of of Kirkcubryght, sua yat we ye said John and Marion in na tyme to cum na our ayrs fall clame to ye said land, na ger mak clame na assent yar to nar, in whole nor in a pert, na kynde of proces, bot fra all sic clame for evermar ve exclud us and our ayrs, be these presents and all power gyffin be us, or any other of us, till other mann, to the day of ye making of yese said present letters, and gyff it happyns be ye said John or Marion, our ayrs, or ony oyer in our name, in ony tyme, to cum in generalle or in speciall to solow or to parcelle ye said lands wyt ye purtenances, we and ilkane of us revokes and annulles all things, anent ye said lands be fore made to yese foresaid present letters. Allsua gyff it happyns we ye said John and Marion, or our ayrs, or ony oyer in our name, in ony tyme to cum, to clame or to ger clame, till the said lands in parcelles, or in appert ve oblys us and our ayrs, till pay to ye said Sir John Stewart, of Gyrton, or till his ayrs or assignators twelff hundreth mark of gude and ussualle monie of Scotlande, on a day be twix ye ryffing and ye ganging to rest of ye son on ye hie altar of ye Kyrk of Gyrton, vyt out fraud or gyll, and a hundreth mark till ye haufe qwythyrn be for yat we or our ayrs or ony oyer in our name, be herd in judgement, or out of judgment, ony opponands agains yis our present wryte. In vytnefs of ye qwylyk things I have set to my seile at Gyrton,
the

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xlv

the last day of ye month of Octobyre ye zer of our Lord a thousand four hundreth and auchteine, be for ye wytnesses a hie and a mytty Lorde Archibalde, Erle of Douglas, Lorde of Galloway, and of Anandyrdale, Schyr Villiam Douglas of Douglas, of Drumlangryg, Schyr Alexandyr of Gordyn, John Durand Thomilyn, Knyt, vyt oyers mony.

APPENDIX,

A P P E N D I X,

No. IV.

Charter of the Lands of GALSTON, in favour of ALEXANDER STEWART, the Son of Sir ALEXANDER STEWART, of DARNLEY.

1527, PENULTIMO MARTII.

IN presens of the lordis of counsale Comperis, Sir George Mur, chapelane of the chapellanery of Galston, and gaif in their charteris underwritin & defyrit, the samyn to registrat in the bukis of counsale. And the auðenty copy yarof to be deliverit to ye party on yar expensis. The quhilk defyre the saidis lordis thot resonable, and yarfor ordanis ye saidis charteris to be insert in the saidis bukis, and ye auðenty copy of the saidis charteris to be deliverit to the saidis pertys. Off the quhilk ye tener followis :

Johannes illustris regis Scotorum, primogenitus Comes de Karric & Senescallus Scotie, Universis presentem cartam visuris vel auditeris Salutem ; Sciatis nos dedisse concessisse, et hac presenti carta nostra confirmasse dilecto, consanguineo nostro, Alexandro Senescalli, filio Alexandri Senescalli de Dernlie, militis, manerium capitale de Galstoune, turrim & ortos pertinen eidem advocationi capelle beate Marie virginis, ejusdem terras de Nethermolmond Escheyard & Gallisholmis Ovirmolmond Trepwod Archinbrek & Dalwy bracinam jacentem apud ecclesiam parochialem de Galstoune, cum tribus acris terre eidem pertinen, ac cum omnibus aliis libertatibus ejusdem, molendinum de Strath, cum multuris et sequelis ejusdem, tenandiam quam Johannes de Keth, in quam terram de Threpwod cum pertinen in baronia nostra de Kile, infra vicecomitatum de Are, quodquidem manerium turris orti advocatio capelle terre omnes et singule, bracina molendinum tenandia fuerunt, Jonete de Keth, et que omnia & singla antedicta eadem Joneta, in sua pura et libera vi-
duitate in presentia plurimorum non vi aut metu ducta nec errore lapsa sed mera & spon-
tanea

tenea voluntate sua per fustem & baculum nobis tanquam domino suo superiori sursum reddidit pureque et simpliciter resignavit ac totum jus et clameum que in dictis manerio turri orti advocacione capelle, terris omnibus et singlis bracina molendino tenandria cum pertinen habuit vel habere potuit pro se & heredibus suis omnino quietum clamavit imperpetuum Tenen & haben eidem Alexandro et predictæ Jonete sponse sue et eorum alteri diutius viven heredibusque inter ipsos legitime procreatis seu procreandis quibus forte quod absit deficientibus veris legitimis heredibus dictæ Jonete quibus cunque de nobis & heredibus nostris in feodo & hereditate per omnes rectas metas et divisas suas in boscis planis moris marresiis pratis pascuis & pasturis aquis stagnis et rivolis aucupationibus venationibus piscariis molendinis multuris et eorum sequelis cum curiis et earum exitibus cum bludwetis et merchetis ac omnibus aliis et singlis libertatibus commoditatibus assiamendis et justis pertinentiis quibuscunque tam non nominatis quam nominatis tam subtus terra quam supra terram in omnibus et per omnia ad dictum manerium turrim ortos advocacionem capelle terras omnes & singlas bracinum molendinum tenandriam spectantibus seu aliquo modo de jure aut consuetudine spectare valen quomodolibet in futurum adeo libere & quiete plenarie integre & honorifice in omnibus & per omnia sicut dicta Joneta seu aliquis vel aliquæ predecessorum suorum dicti manerium turrim ortos advocacionem capelle terras omnes et singlas, bracinam molendinum tenandriam cum pertinen aliquo tempore liberius quietius plenius integrius & honorificentius tenuit seu possedit Faciendo inde nobis & heredibus nostris dicti Alexander et Joneta ac eorum diutius vivens heredesque inter ipsos legitime procreati seu procreandi quibus forte quod absit deficientibus veri et legitimi heredes dictæ Jonete quicunque forinsecum servitium. Et nos vero dictus Johannes & heredes nostri dicta manerium turrim ortos advocacionem capelle, terras omnes & singlas, bracinam molendinum tenandriam cum pertinen eisdem Alexandro et Jonete ac eorum diutius viven heredibusque suis supradictis in omnibus et per omnia ut premissum est contra homines & feminas varrantizabimus a quietabimus & imperpetuum defendemus. In cujus rei testimonium presenti carte nostre sigillum nostrum precipimus apponi Testibus Alano Senescalli domino de Hawchilke Johanne filio dicti Alani Willelmo de Conyngham, Adam de Fullarton, militibus, et multis aliis.

FINIS.

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